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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

18° & 19° VICTORIÆ, 1855.

VOL. CXXXIX.

COMPRISING THE PERIOD FROM

THE TWENTY-SECOND DAY OF JUNE, 1855,

TO

THE FOURTEENTH DAY OF AUGUST, 1855.

Fourth and last Volume of the Session.

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Criminal Justice Bill—Order for Third Reading read—Amendment of Mr. T. Chambers, that the Bill be read a Third Time this Day Three Months—Amendment *negatived*—Bill read 3° — 1866
The Royal Society—Statement of Lord J. Russell 1874
Charitable Trusts Bill—Order for Committee read—Amendment of Mr. W. Knight, that the House resolve itself into a Committee this Day Three Months—Amendment *negatived*—Bill *considered* in Committee ... 1875
Crime and Outrage (Ireland) Act Continuance Bill—Order for Committee read—Amendment of Mr. Bowyer, that the House resolve itself into Committee this Day Three Months—Amendment *negatived* by a Majority of 24—Bill *considered* in Committee—Committee counted out 1894

TUESDAY, AUGUST 7.

Exchequer-Bills (£7,000,000) Bill—Bill read 3° 1925
Prospects of the War—Statement of Lord J. Russell 1930
Hospitals in the East—Returns moved for by Mr. Stafford and *agreed to* ... 1955
Indian Finance—East India Company's Revenue Accounts—Financial Statement of Mr. Vernon Smith and Resolutions founded thereon—Resolutions *agreed to* 1970

WEDNESDAY, AUGUST 8.

Burials Bill—Bill read 3°—Clause proposed by Viscount Ebrington to be added to the Bill—Clause *negatived* by a Majority of 3 2014
Criminal Justice Bill—Adjourned Debate (Second Night)—Order read for resuming Adjourned Debate on Question [6th August], that the Clause be now read a Second Time—Debate *resumed*—Question put and *negatived*—Clause moved by Mr. M'Mahon and *withdrawn*—Bill *passed* 2017

Wednesday, August 8—*continued.*

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Crime and Outrage (Ireland) Act—House in Committee 2020
Leases and Sales of Settled Estates Bill—[*Progress, 6th August*] House in Committee 2020

Monday, August 9.

Leases and Sales of Settled Estates Bill—[*Progress, 8th August*] House in Committee 2052
Despatch of Business (Court of Chancery) Bill—[*Progress, 8th August*] House in Committee 2060
Convocation—Question of Mr. Kinnaird 2066
Metropolis Local Management Bill—Lords' Amendments *considered*—Some *agreed to*, others *disagreed to* 2066
Government of the Navy—Motion of Captain Scobell for a Select Committee to Inquire into the Government of the Navy—House counted out ... 2069

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III. Protest.

Protest of several Lords against the Resolution by which the Government forced the Limited Liability Bill through the House of Lords as "urgent" in the last week of the Session 1918

IV. New Members Sworn.

Thursday, July 12.

Evesham—Edward Holland, Esq., *v.* Charles Lennox Grenville Berkeley, Esq., Steward of Chiltern Hundreds.

Monday, July 16.

Cheltenham—Grenville Charles Lennox Berkeley, Esq., *v.* Hon. Craven Fitzhardinge Berkeley, *deceased.*

Wednesday, July 18.

Norfolk (*Eastern Division*)—Henry Josias Stracey, Esq., *v.* Edmund Wodehouse, Esq., Chiltern Hundreds.

Monday, July 30.

Southwark—Right Hon. Sir William Molesworth, Bt., Re-elected.
Marylebone—Right Hon. Sir Benjamin Hall, Bt., Re-elected.

many and onerous duties which the Judges had to perform, in their courts, in chambers, and in the Central Criminal Court in London, without adding to the number of the Judges; which, if possible, he was anxious to avoid. He, however, thought it not impossible that the arrears of the courts might be disposed of at the sittings after Hilary term, and that some of the Judges might be thus left free during the sittings after the Michaelmas term—that was in November—to hold a third assizes in those counties where the number of prisoners in the gaols might render this additional gaol-delivery between the two ordinary assizes necessary. At all events, he thought the experiment worth trying, and if the business could not be transacted with the present number of Judges, it might be desirable to increase the number; though it was desirable if possible to avoid doing that, as a multiplicity of Judges was calculated to lead to a want of uniformity in practice. He proposed by the present Bill that it should be lawful for the Crown to issue a commission of Oyer and Terminer in any county at any time, and that the prisoners of the adjacent counties should be brought there for trial. Thus, for instance, if the commission issued for Nottingham, the prisoners belonging to Derby might be tried there, and in the same way the prisoners belonging to Nottingham might be tried at Derby, if the commission were issued for that county. And he proposed that the commission should issue alternately, one year for the one county and the next for the other. With regard to the rest of England, he did not propose to interfere with the general circuit arrangement, as he conceived there might be much practical difficulty in transferring the criminal business of any one county to another, and unless it should be found necessary he did not propose to do so. At the beginning of November in each year a return would be made from each of the counties which would show where there were prisoners waiting for trial and where inconvenience would result from delaying the gaol-delivery to the ordinary assizes, and he proposed that for those counties a commission should issue. For the northern circuit he thought two Judges would be necessary to transact the business of this extra assize, but for each of the other circuits one Judge, he thought, would be sufficient. This would take eight for the November circuit, leaving in London the chief of each of the common law courts, and four puisne Judges for the transaction of business at chambers and for the criminal business of the Central Criminal Court of the metropolis. Such was the outline of the measure which he submitted to their Lordships for a second reading, the only specialty about which was the power that it conferred to the Crown to unite adjoining counties—all the rest might be done by the Crown without coming to Parliament. The general result would be that the average imprisonment of criminals before trial would be limited to two months, though, of course, there would always be occasional instances of greater delay. It had been suggested by his noble and learned Friend, that there ought to be not less than four gaol-deliveries in the year—that was, that the interval between each should not be greater than three months. No doubt that would be more convenient, and it would be still more so if they could provide that the interval should not exceed three weeks. But they must deal with the machinery they had, and the question was whether they would not, by the plan proposed, arrive at the maximum of convenience which that machinery was capable of affording. Then it should be remembered that the great bulk of the offences committed in the country were tried not at the quarter sessions, four of which sessions must necessarily be held in each year, and, beyond this, in many of the counties, he believed, adjourned sessions were held about equidistant between the two quarter sessions, which adjourned sessions he now proposed should not be left, as at present, to the opinion of the counties, but be made obligatory. This might possibly, in some cases, be considered onerous upon the county magistrates, but, if so, provision would be made for appointing a salaried judical officer to discharge, when necessary, the duties of chairman. The result of these arrangements would be that there would be eleven sessions and assizes every year for each county, which would bring on the trials, on the average, at intervals of very little more than a month.

Lord BROUGHAM said, he thanked his noble and learned Friend very heartily for introducing the present measure, which he could not look upon only as an instalment, but as an important advance in the Amendment of the Criminal Law. From the Returns which he had obtained, he found that out of 28,000 persons committed, 6200 were acquitted or discharged for want of prosecutors. He had Returns, taken from eleven counties almost at random, from which it appeared that, at the last assizes, and the last Quarter Sessions, the average imprisonment suffered by each prisoner committed to the assizes, from the time of their commitment to the time of their trial, was seventy, and to the sessions thirty days. It must be borne in mind that these were the averages, the prisoners in many instances having suffered a much longer confinement. At the Middlesex Sessions and the Central Criminal Court, the average length of each prisoner's confinement was sixteen and seventeen days respectively. A great part, therefore, of these prisoners in the counties had suffered a longer period of imprisonment before they were brought to trial—for he did not mean to say that they were all innocent—than those who were found guilty, who, in most cases, were only sentenced to five or six weeks' imprisonment. It was certainly high time that the Legislature should interfere to correct this state of things, but he was quite ready to admit the difficulties that lay in the way of a perfectly satisfactory measure. If the difficulty were to be overcome by increasing the number of judges, let that be done, but he would say only in case of absolute necessity.

LORD CAMPBELL thought he might say, not only for himself, but also for his learned brethren on the bench, that they would do everything in their power to further this measure, for they felt it to be most desirable that as little time as possible should intervene between the committal and trial of prisoners, due time being given for preparing both the prosecution and the defence. At present, while the grand juries were assembled, and before they were discharged, whatever cases might be sent in for trial were brought before them, and sometimes it happened that the parties accused were convicted and sentenced to transportation, or even to death, within forty-eight hours of the time of their committal. He thought more time ought to be allowed between the committal and the trial, and that the practice in Scotland might be followed with advantage in this country. In Scotland, it was necessary that forty days should elapse between accusation and trial. He should be much gratified if these third assizes should prove beneficial, but their Lordships must not be too sanguine of success. The experiment had already been tried to some extent; a third assize had been held in the year, not throughout the kingdom, but over a considerable part of it; but the arrangement had caused great dissatisfaction, and petitions had been presented from various parts of the kingdom praying that the extra assize might be discontinued. He hoped the experiment to be made by this Bill would be more successful, but he thought his noble and learned Friend had exaggerated the evils to be remedied, and passed rather too lightly over the difficulties to be overcome. The noble and learned Lord had said that, under the present system, some 6000 innocent persons might be imprisoned for several months awaiting their trials; but it would probably turn out on inquiry that a considerable proportion of these 6000 accused persons had been previously convicted of crime. He remembered seeing an account of a case tried in Scotland, when, although the prisoner confessed the felony with which he was charged, the jury found him "Not Guilty," whereupon the Judge, addressing him, said, "Go home, Sir, and reform; your character is now so bad that the jury will not even believe you when you confess you are guilty." He (Lord Campbell) thought it not improbable that many of the persons to whom his noble and learned Friend had referred were of no better character. He regretted that the business of suitors must necessarily be to some extent neglected during the absence of the Judges at the third assizes. It had been suggested to send down on these extra circuits gentlemen learned in the law, who were not Judges of the superior courts; but, although no doubt lawyers of great ability and learning might be selected for the duty, he did not think such an arrangement would be satisfactory. He entirely approved the proposal that meetings of Quarter Sessions should in future be held eight times a-year, but he thought it ought to be left to the Lord Chancellor, and not to the Home Secretary, to determine whether, under any circumstances, the meetings of Quarter Sessions should be dispensed with. He considered that it was desirable to enlarge the power of bail. At present a coroner had no power to admit to bail, and it frequently happened that verdicts of manslaughter were returned by coroners' juries against persons for supposed negligence, and, in consequence of the inability of the coroner to take bail, such persons were committed to prison until an application for bail could be made to the Judges of the superior Courts. He thought, also, that the bailing powers of magistrates should be extended. He entirely concurred in the propriety of reading the Bill a second time.

THE EALL OF STRADBROKE thanked the noble and learned Lord on the woolsack for having introduced the Bill, although he could not agree that 6000 persons were annually confined unjustly. It was well known that out of that number 5000 had nothing to complain of.

THE EARL OF POWIS said, with respect to the provision authorising the appointment of paid chairmen of Quarter Sessions, that in his opinion the charge should not be levied on the county, but on the consolidated fund, the same as the County Court Judges.

THE EARL of ELLENBOROUGH owned that if the Quarter Sessions were to be held so often as eight times in the course of the year it would be necessary to appoint a professional chairman; but he was far from thinking that the criminal business would be better transacted by such a person than by the ordinary chairman. By the Bill as it stood, when a professional chairman was once appointed, the Crown was to continue to appoint, although a retired barrister or judge might have meanwhile come into the district and might be most competent to undertake the duties, which he would discharge without pay. Now, he thought it advisable there should be a provision to enable the magistrates to represent to the Crown that the necessity no longer existed for a professional chairman, and that there were country gentlemen competent to undertake that office.

LORD COLCHESTER said, that in East Sussex there were eight sessions held in the year, so that it was impossible that any person could be in gaol more than six weeks without trial.

THE LORD CHANCELLOR said, that the power given in the Bill to the Home Secretary to dispense with a sitting of the Quarter Sessions would not be found in practice to be of any inconvenience. The power had only been given to that functionary because it had always been the custom in Acts of Parliament to vest such powers in him. At the same time he must say that no other officer could know what was at any time the state of the gaols; and it was only the condition of the gaols which could enable any functionary to dispense with the Quarter Sessions.

Lord Campbell

Bill read 2^a, and *committed* to a Committee of the Whole House on Thursday next.

SEA DEFENCES—COLONEL BETHUNE'S PLAN OF ATTACK.

THE MARQUESS OF CLANRICARDE rose to ask whether the Baltic Fleet had been provided with the apparatus necessary to attack Maritime Fortresses in the manner recommended last year to the Admiralty and the Board of Ordnance by Colonel Bethune. He had no wish to interfere with the Government in regard to the mode of carrying on the war. Colonel Bethune had distinguished himself in Canada, not only by his courage, but by his ability and aptitude in undertaking military operations, and any suggestion he might make was entitled to the highest respect. His plan was disapproved of by Sir Charles Napier, whose opinion carried with it great weight in such matters, as being too hazardous, but at the same time it was right that a fair experiment should be made; and, if thought proper, that the fleet should be provided with the means necessary for carrying out the proposed mode of attack should a favourable opportunity occur. A few hundred pounds would more than cover all the expense of furnishing those means; and it was the opinion of professional men, as well as amateurs, that the plan could be put in execution with more safety to human life on the side of those employing it than an ordinary bombardment of a fortress.

LORD PANMURE said, he agreed with the noble Marquess that no means should be thrown away of rendering our attack upon the fortresses of the enemy as effective as possible; though he believed their Lordships would agree with him that it would be wise and prudent not to publish the details of all our plans before they were put in execution, but rather to allow the enemy to discover their effect much in the same way as we discovered the effect of those torpedos that were sprung upon our ships the other day near Cronstadt. The suggestion of Colonel Bethune was one of those innumerable propositions which were made to all Governments in a time of war, when any gentleman who pleased, and there were many who pleased, might suggest means for destroying the enemy. It was made to the Admiralty in July last, and was referred to Sir Charles Napier, then in command of the Baltic fleet, who, after studying it carefully, said it might do all very well, "but we would require the gentleman himself to 'bell the cat.'" The suggestion was afterwards referred to the Scientific Committee of the Board of Ordnance, and they gave it as their opinion that the invention would not be effectual for its purpose. No arrangements had, therefore, been made to enable the Baltic fleet to carry the plan into execution.

The Earl of ELLENBOROUGH said, that in reference to what had fallen from the noble Lord as to innumerable suggestions being made to the Government for the destruction of the enemy's forts, he wished to say that no mistake could be made more injurious to the public interest than to assume that there was nothing in all these plans, because it was extremely possible that every one of them might contain something worthy of consideration, although, at the same time, it was extremely improbable that any one of them should be developed in a state fit to be adopted. It hardly ever happened that the originator of a plan carried it to success, but it was generally perfected by others, who, with less theoretical, possessed more practical knowledge. In his opinion, a Committee should be formed to consider those plans, formed not altogether of professional persons. Because a plan at first appeared to contain something absurd, that was no reason why it should be at once rejected, for every plan might, at first, contain that which would entitle it to the description of being absurd, while it might, in reality, also contain much that was very useful. He himself could recollect that, nine years ago, he, an unscientific man, offered a crude suggestion to an able friend of his who commanded the gunnery ship at Portsmouth; that suggestion was perfected by him, and the result was that, for the future, booms would form no protection to a harbour, because they could be blown into the air.

Lord PANMURE did not think that anything had fallen from him which should lead the noble Earl to suppose that all inventions laid before the Government did not meet with a fair consideration; on the contrary, many improvements had already been adopted by the Government which owed their origin to suggestions received in the way mentioned by the noble Earl. There had been Committees to investigate the subjects of tents and ambulances for the sick, and all matters connected with missiles of war were referred to a Committee at Woolwich, consisting not only of officers but of scientific gentlemen, who, he was convinced, did not dismiss any invention without giving to it a careful consideration, and endeavouring to extract from it all that was useful. But, at the same time, to make a trial of every invention that was submitted to the Government, merely because there might be something in it which was useful, would lead to a series of constant experiments from which no adequate conclusion could ever be drawn.

The Marquess of CLANRICARDE said, that as the noble Baron had stated the report of Sir C. Napier upon the plan of Colonel Bethune, it would be only fair to give the answer which was made to it. In that answer Colonel Bethune, not at all declining to go and "bell the cat," said that if the extraordinary step were to be taken of placing him at the head of the expedition, it would not be the first time that he had ventured under the fire of an enemy in order to carry out an attack which he had devised himself, and which he conducted with perfect success.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 22, 1855.

Minutes.] Public Bills.—1° Indemnity; Army Prize Money; Stock in Trade.
2° Union Charges Act Continuance; Youthful Offenders (No. 2); Christ Church (Todmorden) Marriages Validity; Woollen, &c. Manufactures (Scotland).
Reported—Administration of Oaths Abroad.
3° Railways (Ireland).

VENTILATION OF THE HOUSE—QUESTION.

Lord ROBERT CECIL said, he begged to ask the right hon. Baronet the Chief Commissioner of Works whether any precautions were taken to ventilate the House, by the opening of doors and windows, during the intervals of its Session? Whether it was true that Mr. Goldsworthy Gurney, to whom the ventilation of the House was committed last year, was habitually absent from the House, and left the care of its ventilation entirely to the subordinates who mismanaged it last year? And whether the Government would object to placing the ventilation, like the kitchen and the library, under the care of a Committee, to be nominated every Session?

SIR WILLIAM MOLESWORTH said, in reply to the first question of the noble Lord, he had to state that he had been informed that the doors and windows of both Houses of Parliament, as well as the corridors and rooms, were opened during the time the Houses were not sitting, when the state of the weather permitted; that in addition the ventilation arrangements were kept in action at all times during the intervals of the sittings of the Houses day and night, and that there were men on the spot to see that the apparatus worked properly. With regard to the second question of the noble Lord, he had to state that he had been informed that so far was Mr. Goldsworthy Gurney from being habitually absent from the House that he made it a rule to be present every night until ten o'clock at least—that he received reports every half-hour of the state of the ventilation of both Houses while there, that the clerk of the works always knew where to find him, and that since he had got charge of the ventilation of the Houses of Parliament he resided within two minutes' walk of them. He (Sir W. Molesworth) had further to observe, that he could not at all agree with the noble Lord in his statement that the ventilation of the House was bad. On the contrary, he contended that the ventilation had this year been very good. With regard to the last question of the noble Lord, he would only say that he did not think any good would be gained by handing over the ventilation of the House to the Kitchen Committee, or any other Committee.

MR. CAYLEY said, he wished to know whether Mr. Goldsworthy Gurney received any remuneration for his services in looking after the ventilation of the House?

SIR WILLIAM MOLESWORTH said, that was a matter for the consideration of the Treasury.

OUTRAGE ON A FLAG OF TRUCE AT HANGO—QUESTION.

COLONEL HARCOURT said, he begged to inquire whether the Admiralty had received any official intelligence that Lieutenant Geneste, Dr. Easton, and Mr. Sullivan were not killed, as had been at first reported, but were detained as prisoners of war?

ADMIRAL BERKELEY, in reply, said, that no further information had been received since the publication of the despatches of Admiral Dundas.

COLONEL HARCOURT said, he had received a letter from one of the nearest relatives of Lieutenant Geneste, who, he feared, had been most cruelly murdered, and, with the permission of the House, he would read the letter. It was in the following terms—

> "My dear Sir—As one of your constituents, may I beg that you will put a question to the First Lord of the Admiralty, and inquire whether the authorities of the fleet demanded the bodies of those who were so cruelly murdered at Hango, and desired that they might be delivered up, in order that they might not be left to the brutality of the savage murderers. I ask it as the nearest relative in England of my nephew, Lieutenant Geneste, in whom I have always taken the deepest interest. A more talented, promising young officer was not to be found in Her Majesty's service, and this will be the testimony of all his brother officers who have known him intimately."

He wished to ask the Government whether any such instructions had been given by the commander on the station?

ADMIRAL BERKELEY said, he could only repeat that no despatches had been received by the Admiralty since those which had been forwarded by Admiral Dundas. Accounts had been published in the newspapers stating that the officers had been only wounded, and were prisoners; but whether that statement was true or not the Admiralty had no means of ascertaining.

COLONEL HARCOURT said, the gallant Admiral had not answered his question whether any instructions had been given for the purpose of recovering the bodies of these unfortunate men, or whether they were to be left in the hands of their murderers?

ADMIRAL BERKELEY: If I understand the hon. and gallant Member rightly, he asks whether any claim has been made for the recovery of the bodies of those officers. No such claim has been made, nor do I think it likely that a boat would be sent in under another flag of truce for such a purpose. The House will, perhaps, permit me to make a few personal remarks having reference to myself. I am one of those who have been in office for a long time, and am prepared to bear those attacks which are made on public men. But a statement was made the day before yesterday in *The Daily News*, which, in a cruel, cold-blooded manner points out myself as almost the author of the death of those officers, and goes on further to say, that it hopes when their relatives meet me they will treat me accordingly.

PUBLIC BUSINESS—QUESTION.

Mr. DISRAELI said, he would beg to ask the noble Lord at the head of the Government whether he would have any objection on Monday next to state to the House the course which he intended to take with regard to the conduct of the business of the House? At the present moment there were seventy-nine Orders of the Day on the books, consisting of thirty-six Bills waiting for second reading, thirty-one Bills passing through Committee, two Bills, as amended, waiting for consideration, six Bills waiting for a third reading, and one Bill waiting for consideration of the Lords' Amendments, and three adjourned debates on very important matters. He thought it would be for the convenience of the House if the noble Lord would state what course he intended to pursue with respect to these seventy-nine Orders of the Day.

Viscount PALMERSTON said, he could only state that there were certain Bills which the Government thought it their duty to press forward to a conclusion. There were many Bills about which he knew nothing, and the fate of which was to him a matter of perfect indifference.

Mr. HADFIELD said, he would beg to inquire whether the noble Lord would take into consideration the propriety of disposing of those Bills which there was not the slightest chance of carrying during the present Session? By so doing the number of Orders before the House might be reduced to a practicable extent.

Viscount PALMERSTON said, he could give no answer to the question at present, but would consider the matter before Monday.

BRIGADIER GENERAL DACRES.

On the question that the House at its rising should adjourn until Monday,

Sir DE LACY EVANS said, he wished to take the opportunity of saying a few words in reference to some expressions which had fallen from the hon. Member for Aylesbury (Mr. Layard) with regard to certain artillery officers in the Crimea. He took it for granted that the hon. Member had not the slightest intention of reflecting on that distinguished officer General Dacres, who at present commanded the artillery at the seat of war. But as the language of the hon. Gentleman might lead to such an inference, he (Sir De Lacy Evans) begged to say that General Dacres was an officer whom he had occasion to report after three successive actions to the Commander of the Forces for his most distinguished conduct. He had also to add, that after his return to England he had felt it his duty to lay before the Commander in Chief of the army at home a report, in which he had stated that in his humble opinion Colonel Dacres, since made brigadier general, was the most able, the most energetic, and the most competent officer of his arm of the service in the army of the East. There could be no offence in his saying that, as General Dacres was at the present time the superior, the senior, and the commanding officer of the artillery corps in the Crimea.

Mr. LAYARD said, he desired to say a few words by way of explanation, in order to remove any pain which his observations might have caused to more than one gallant officer. The anecdote which he related on the occasion, which had been referred to, was strictly true, and was told to him by very high authority, and the officer to whom he alluded commanded the artillery of the second division. He did not mean to cast any reflection on General Dacres, or that gallant officer Brigadier General Strangways, or Colonel Lake. He believed the reason given for not being able to bring up the guns was, that the artillery of the second division had lost all its horses. It was, therefore, impossible for the officer commanding the artillery to have the guns brought up.

THE EDUCATION BILLS.

Sir J. PAKINGTON said, he wished to ask the noble Lord (Lord John Russell) whether it was his intention to fix an early day for resuming the adjourned debate on the Education Bills? He would accompany that question by a few observations upon the subject to which it related. He was well aware that a serious obstacle was offered to the progress of business in that House by the practice of introducing discussions on the Motion for the adjournment from the Friday to the Monday, and he had himself frequently protested against that practice; but as long as it should continue in force he did not see why he should not avail himself of it as well as other Members. He was asking no favour from the Government upon that occasion, and he was putting his question to the noble Lord entirely upon public grounds. He thought it could not be satisfactory to the Members of Her Majesty's Government that the Education Bill should be left in the condition in which they at present stood, and that that question, which had already advanced so far, should remain undecided. Notwithstanding certain opinions announced from that—the Opposition—side of the House, he believed there had never before been so fair a prospect of bringing that important subject to a satisfactory settlement as that which existed at the present moment. He believed that a considerable number of hon. Members on that side of the House were very desirous of seeing the question settled on principles of moderation and justice; and, he was also bound to add, that he believed a similar feeling prevailed on the other side of the House. He believed a strong desire existed in the country that this question should be settled. He had received innumerable applications, and, judging from these, as also from the unanimous tone of the provincial press, it was evident a strong desire prevailed throughout the country that the subject should be set at rest. Any hon. Gentleman who maintained that the present state of education was satisfactory, and that we could safely go on as we were, should be prepared also to maintain that the large body of official men acting on the subject in different parts of the country were leagued together in a conspiracy to mislead the public on the subject; but that was preposterous and out of the question. Now, what was the present condition of these Bills? One had been debated at considerable length, but under disadvantages. It had been considered on the 2nd of May, adjourned to last Monday week, and adjourned again to last Monday, when it was again postponed to make way for a debate on an abstract Resolution, which found only forty-six supporters, and, which, if carried, could not amount to anything more than a barren expression of opinion. He, therefore, feared if the question were allowed to remain as at present, and these intervals allowed to take place in its discussion, the impression of the country would amount to this—that the Government did not entertain that desire due to the importance of the question to have it finally settled. He (Sir J. Pakington) was not of the opinion that legislation could be of much avail in the present Session. But he thought the Bills might be read a second time, that they might be referred to a Select Committee, and a Bill prepared so as to be ready to be submitted to the House early next Session. The least the promoters and supporters of the Bill might expect was that Her Majesty's Government, after entertaining these measures, would pronounce on the principle of them; and he, therefore, begged to inquire when a day would be fixed for the second reading?

MR. HADFIELD said, he thought the right hon. Baronet had just delivered the funeral sermon of his Bill. He was of opinion that the endeavours of the right hon. Baronet had done great mischief to the cause of education, and that this was much too vast a subject to be dealt with by the right hon. Baronet. The fact that there were now 318,000 teachers in England engaged in the work of instruction, who did not receive a shilling recompense for their labours, and who had 2,400,000 children under their care, had never been mentioned by the right hon. Baronet, an omission that betrayed either ignorance or disingenuousness. It would be a great evil to give Government the inspection of every school in the country; that course was not advocated by Lord Shaftesbury, and one of the greatest authorities on the subject, Mr. Baines, of Leeds, was opposed to all State interference.

LORD JOHN RUSSELL: Sir, it is certainly not the fault of the right hon. Baronet the Member for Droitwich that the great question of education, brought by the Bill under the consideration of the House, has not yet been decided by a division; but neither do I think that the Government are in fault, because there have been topics of overwhelming interest brought before the House, such as the proposition of the hon. Member for Aylesbury (Mr. Layard), upon a subject which has undoubtedly agitated and interested the country to a very great extent. With regard to the position of the Bill of the right hon. Gentleman, he says he only expects the second reading of that Bill, together with the Bill which I had the honour to propose, and, perhaps, another Bill, with the view to send them to a Select Committee. That being the ultimate object of the right hon. Gentleman, and I think he cannot expect more, it is natural that the Government, who have measures before the House which they think of pressing importance, and which they wish to send to the other House of Parliament in such time that due consideration may be given to them, should be anxious rather to press those measures than to appoint a very early day for the further consideration of the Bill of the right hon. Gentleman. At the same time, there should be a day, and I hope it will not be delayed to a time when there will be a less frequent attendance of hon. Members, and when the remainder of the discussion on this subject can be taken. I think it very important that hon. Members who are in favour of the voluntary principle, but who have not yet taken part in the debate, should state their sentiments, and that we should hear their objections to any interference on the part of Parliament and the Government, to any further extent, with education. I think it is of great importance that we should hear their opinions, because I think they are the most powerful opponents, I will not say to the Bill of the right hon. Gentleman, but to any legislation whatever on this subject. I confess my impression is, that although voluntary efforts have done and can do a great deal, it cannot do sufficient for the education of the people of this country. I think, likewise, that although the measures of the Committee of education of the Privy Council have done much, and can do more, they will not be able completely to remove the ignorance which prevails among a large portion of the people of this country. But I cannot but think that the right hon. Gentleman has made an exaggerated statement. I am far from being convinced that these voluntary efforts and the assistance which grants of this House have given have not produced a very great impression upon the ignorance and pauperism that formerly prevailed in this country. And I likewise think that what education is doing now—that is to say, the best part of it—is of the most substantial and valuable character, because it is what I call a free education that is given by the Government on certain stated principles, and limited to certain branches of knowledge. I call that a free education where the parent can send his child to a school where he obtains what religious teaching the parent pleases. I think that the education given in this country is far superior in that respect to that given on the Continent, to which the right hon. Gentleman has referred. I think, however, that, preserving all that is valuable in our own system, that system ought to be extended, and that a system of rating ought to be introduced. At the same time, this is so large and great a question that I think it is quite sufficient for the House to come this year to a decision upon the principle, and wait until next year before we decide how the principle is to be carried out. I do not think my noble Friend at the head of the Government can appoint an early day; but I hope that a day will be appointed, while there is still a full attendance, when we can resume the adjourned debate.

BREACH OF PRIVILEGE.

Mr. **OWEN STANLEY** said, he rose to call the attention of the House to what he considered a great breach of privilege. He had given notice yesterday of certain questions which he intended to put to the Under Secretary for War. He laid them on the table before the clerk, who made no objection to them, and he had given a copy to the Under Secretary for War. He found that the most important part was omitted in the printed copy of the Votes, and he would take this opportunity of calling the attention of Mr. Speaker to the matter. He believed his notice had not been shown to the right hon. Gentleman, and he was perfectly certain that all he had put on the paper was true. He held in his hand an exact copy of what he put upon the notice paper, and he would read it to the House. He wished to ask a question relative to a letter written by Captain Fitzwygram, and he wished also to express a hope that Captain Fitzwygram would not be ordered abroad, and to ask whether there was any intention to have an inquiry into the conduct of the superior officers and others concerned in the late practical jokes and sham duel between officers of the cavalry depôt at Canterbury. He would now read to the House the letter which he wished to bring under its attention, which was written by Captain Fitzwygram, and given to Cornet Baumgarten, who refused to assent to it—

> "My object in writing to Lord Shaftesbury is to defend the regiment, not to damage your character. If my object can be equally well accomplished without damaging your character I am content. To do this I require three things; first, an admission on your part, without admitting all I have said, that enough had occurred to create a prejudice against you; secondly, an undertaking on your part that Lord Shaftesbury shall withdraw in the House—on explanation by you—his charge that the acts committed were 'gross, disgusting, and filthy, and impossible to occur where the commanding officer was a gentleman and a Christian;' thirdly, a positive undertaking to retire.
>
> "T. W. Fitzwygram, Captain."

He put it to the hon. Gentleman (Mr. F. Peel) whether the conduct of Captain Fitzwygram being known to the Commander in Chief, any inquiry was proposed to be instituted into his conduct, and he wished that question to be answered, and to know, also, whether it was not a breach of privilege for the clerk at the table to cut out any portion of a question which had been laid upon the table for insertion in the notice paper?

Mr. SPEAKER: If the hon. Member proposed to put a notice upon the paper which is irregular, of course the part of the notice which is irregular would be left out. It is very irregular that any matter should appear in print in the shape of argument, and, in fact, all notices of questions should be made as short as possible. I am not aware of the exact terms of the notice given by the hon. Member, but I have no doubt that, in consequence of the notice containing some matters which were irregular, a portion of the notice was omitted by the clerk.

Mr. OWEN STANLEY: May I ask whether mine was an irregular or improper question to put?

Mr. SPEAKER: If I understand the hon. Member, he wished to put a private letter on the Votes of the House. [Mr. Stanley: No!] The hon. Member has not informed me what the notice was, and I am, therefore, unable to answer the question positively without knowing more about it.

Mr. FREDERICK PEEL: I think it right to say that I have not received any other question than that upon the notice paper.

Mr. OWEN STANLEY: I think the written question that I put into the hon. Gentleman's hands contained that portion of the notice that was omitted.

Mr. FREDERICK PEEL: No.

SECRETARY OF STATE FOR SCOTLAND.

Mr. JOHN MACGREGOR said, he had given notice of his intention, upon the Motion for the adjournment of the House to Monday, to move "That it is expedient that the office of Secretary of State for Scotland be reinstituted"—[*Cries of* "Oh, oh!" *and* "Order!"

Lord HARRY VANE said, he rose to order. He thought it desirable that there should be some definite understanding with regard to the question put by the right hon. Gentleman (Sir J. Pakington), and that some answer should be given to it by the noble Lord at the head of the Government.

Mr. SPEAKER: I believe the hon. Member for Glasgow is quite in order, and it is just one of those inconveniences to the House arising from a great number of Motions being made on that one question of the adjournment of the House. The hon. Member for Glasgow is perfectly in order in rising to speak to that question.

Mr. JOHN MACGREGOR again rose to address the House, when—

Sir JOHN PAKINGTON said, I rise to order. It appears by the notice on the paper that the hon. Gentleman does not rise to speak to the question of the adjournment of the House to Monday, but to bring forward a Motion of which he has given notice, but which I apprehend cannot be put by way of Amendment.

Mr. SPEAKER: The hon. Member is perfectly in order in speaking to the question of adjournment. But, if when he closes his remarks on that subject, he makes this Motion by way of Amendment, it will be my duty to tell him that he cannot move it.

Mr. JOHN MACGREGOR said, he wished to speak upon the Motion for adjournment. He apprehended he was as much in order as the right hon. Gentleman, and he should not give way with the notice he had put upon the paper respecting the administration of public affairs in Scotland. [*Cries of* "Question."] If he were so interrupted he should certainly move the adjournment of the House. He should trouble the House very briefly on the subject; but if he were interrupted he should go into the most minute details. The offices of Secretary of State and Under Secretary of State for Scotland both existed until the year 1746, when the last Secretary of State was dismissed, though the office itself was not abolished. The Under Secretaryship was continued to a later period, and, in his opinion, should be revived, as, looking to the population, the industry, the wealth, and the intelligence of Scotland, there was obviously more business than the Lord Advocate could attend to without neglecting his own professional avocations. He therefore trusted Her Majesty's Government would take into consideration the necessity of doing for Scotland that which was necessary, and at once appoint an Under Secretary of State.

The LORD ADVOCATE said, he had no doubt he should find a time and season to discuss the subject with his hon. Friend, but, as the House seemed fully agreed that it was impossible to carry on their legislative duties if such irregular discussions were raised on these occasions, he hoped they would excuse him if he did not enter on the discussion with his hon. Friend at the present moment.

ARREARS OF PAY TO SOLDIERS.

MR. A. STAFFORD said, he begged to call the attention of the House to the arrangements made for payment of the arrears due to those sick or wounded soldiers who had returned from the Crimea; and to ask whether it was intended to place invalid soldiers on board the hospital ship *Britannia* before the hospitals on shore were filled. He would not occupy the attention of the House for more than two minutes, but he was induced to put the question of which he had given notice, in consequence of the very unsatisfactory statement which had been made by the hon. Gentleman the Under Secretary for War on the subject. He (Mr. Stafford) believed that very few of the sick and wounded soldiers who had returned from the Crimea had been settled with since August last. He had had a long list of names placed before him of men who had suffered the greatest hardships in consequence of the retention of the pay due to them. The sums they claimed varied in amount, a great majority of the claims amounting to *5l.* and *6l.*, and yet many of these men had been compelled to pawn their clothes to enable them to meet their relatives, or, after having received a small pittance with their furlough, to proceed to their several places of destination. There were few persons who were not aware of the numbers of these sick and wounded who had returned to their own several localities, where they were received and welcomed with the greatest kindness, though, unfortunately, they possessed but few representatives in the House of Commons. But what would be the effect of the statements they made to their relatives and friends? He apprehended that it must necessarily be not only to bring the Government into disrepute, but actually to stop the progress of the enlistment of the army throughout the country. He did not agree with the hon. Gentleman who had stated that by bringing forward this question he (Mr. Stafford) would himself be the cause of stopping the progress of recruiting the army. On the contrary, he thought it far better that those gallant young men who were willing to go forth to fight the battles of their country should know that there were some Members of the House of Commons who were willing to take up the cause of the soldier, and to state the grievances that had been inflicted upon him. There never had been a House of Commons that had granted the supplies for the army with greater willingness than the present House had done; and he certainly believed that there never was a House of Commons which would more willingly see even larger sums granted, rather than that injustice should be done to those of whom, on every occasion, the House had been anxious to express its strong approbation, not without cause, nor in any exaggerated terms. He hoped the hon. Gentleman the Under Secretary for War would contradict him if he were wrong, but he apprehended that one cause of the great delay in the payment of these arrears was, that the papers which would authenticate the claims of the men had been lost altogether. But, whoever might be blameable for the loss of those papers, it was perfectly clear that the soldiers themselves were not the cause of it, and that they ought not therefore to be the sufferers by reason of that loss. Next to the payment of these men from the earliest period that could be ascertained in the absence of documents, he hoped it would not be expecting too much that some expression of regret should be made on the part of some one high in office for the great delay that had occurred in the payment of the money due to these gallant men. He (Mr. Stafford) confessed that he was most reluctant in bringing this matter forward, considering how little credit it reflected on the whole system of management in relation to our army in the East; and, unless he had the assurance of the highest authority that he had not overstated the case, he should have been quite ashamed to mention it, presenting, as it did, so strong a contrast to the generous manner in which the British soldier ought to be, and, as he believed, generally was, treated. He trusted that some Member of the Government would give the House an assurance that this state of things should be remedied. These men had returned from the field of fight wounded and broken down in health, and what had they to say? —"Our country, on our return, far from showing us gratitude and favour, has not even done us common justice."

MR. FREDERICK PEEL said, it was difficult for him to add anything to the explanation he had already given on this subject the other evening. He did not think the House would consider that there had been any mismanagement in this matter, or anything objectionable in the manner in which this complaint had been met. He certainly was sorry that any soldier should be kept out of his pay. But the question was simply this—why had not the Government liquidated the arrears of pay to which the soldiers who had returned from the Crimea and the Bosphorus were entitled? The answer to that question was—"We do not know what the amounts of those arrears are." The only course Government could take would be to pay the men on their own statement. He thought the result of adopting such a course would be found to be rather inconvenient. In a few instances the Government had acted on the statements of the men, but in some of those cases it was afterwards ascertained that the statements made were incorrect. In fact, the men themselves did not know what their rights were. Some were entitled to good conduct pay, but that was a claim which depended entirely upon regimental documents, which had not been received. Then, again, it was not known what amount of pay was due to the men up to the time they left the Crimea. Instructions had been given three months ago to the paymasters of the different regiments to send home the necessary returns; and a considerable number—three-fourths of the whole number—had been sent in. Just by way of example, he would state that a return had been made from the 20th Regiment of foot. It contained the names of from 300 to 400 men, and in every instance there appeared to be some small sum payable to them, but in no case did the sums correspond with the amounts stated by the men themselves. This was an illustration of the difficulty that existed in paying these men upon no other statement than their own. But, after all, these returns only related to the time at which the men left the Crimea, or at most to the time at which they entered the hospitals. There being no paymaster at Scutari, the accounts were kept in a very irregular manner. A paymaster had now been sent out to the Crimea for the special purpose of making up these accounts, in order to satisfy these claimants; and, as far as it was possible, it was the intention of the Government to pay the men who were entitled to the money up to the time to which those returns would refer.

Colonel DUNNE said, that the statement of the hon. Gentleman only showed that proper precautions had not been taken in reference to this matter, and that the Government had not obtained the accounts owing to the blundering way in which they had been kept. Supposing the pay-sergeant were killed, the only means then of ascertaining what was due to the men would be their own statement, and that, he conceived, under the circumstances, ought now to be the guide. At all events, if any one was to be a loser in the adjustment of these accounts, it ought not to be the soldier.

PERSONAL EXPLANATIONS—
MR. LINDSAY.

Mr. LINDSAY: I rise, Sir, to address the House on this occasion with considerable reluctance. No man is more desirous than I am to see the business of this House carried on with greater rapidity than it now is; and I must apologise for engaging its attention for a short time in reference to a matter wholly personal to myself. But it is a question which I have been forced to bring under the notice of the House, affecting, as it does, my personal honour. My veracity has been called in question in reference to a statement made by me, not in this House but elsewhere. That statement has been noticed in a particular manner in this House, and I was prepared to be called to account for that statement. I am certainly somewhat ignorant of the forms of this House, but during the short time I have been a Member of it I have noticed that hon. Members have been called to account for statements which they have made elsewhere. The noble Lord at the head of the Government only the other day called the hon. Member for Aylesbury (Mr. Layard) to account for a statement made by him out of this House; therefore, I thought that some Member of the Government would take the opportunity of calling me to an account for what I had stated, and which would have enabled me to rise in my place, and give proof of the truth of the statement I had made. I believe, according to the rules of the House, I am not at liberty to refer to what may have occurred in any previous debate, but must confine myself strictly to the question of which I have given notice. But the House will, I trust, allow me in passing just to advert to those personal remarks which were made by an hon. Member in the course of a recent debate. I allude to the remarks which fell from the hon. Member for West Surrey (Mr. Drummond). It is not my intention, in adverting to those remarks, or to any other personal observations that may have been made in reference to myself, to indulge in any harsh language. I merely wish to put myself right with the House and the country. I have not the honour and pleasure of the personal acquaintance of the hon. Member for West Surrey, but I respect him too much, as an old Member of this House, as a scholar, and as a gentleman, to say anything harsh in reply to the remarks he thought proper to make in regard to myself. He, on the occasion in question said :—

> "One of the principal of these volunteers is the hon. Member for Tynemouth, and he comes forward to drive out all the upper classes as bad administrators, and to put in himself as a good one. I find, however, in the records of the police office, that about two years ago that Gentleman was, to use a Bow Street expression, 'had up' for not fulfilling a contract he entered into to convey some poor emigrants, in the ship *Swarthmore,* to Australia. Now, I do not mean in the least to insinuate that the hon. Member acted in the smallest degree dishonestly by them, nor cruelly, nor unkindly ; but the better his intentions were, the more honest his intentions, and the more kind, the more did he show himself a most incompetent administrator, even in matters of his own business and of daily occurrence.—[3 *Hansard,* cxxxviii. 2180.]

The House will, perhaps, allow me to state the actual facts of this case ? Now, considering the extensive transactions in which I have for years been engaged, having had to send out a very large number of ships and many thousand passengers to various parts of the world, I do not think it very strange or surprising that I should have had once to go before a court of law or been summoned to appear before a magistrate. But in this instance the ship was one which bore my name ; and the hon. Member somewhat sneered at that circumstance. Now, there are ships of other flags, which I never saw, and of the owners of which I know nothing, which bear my name ; and this honour was conferred on me in regard to this particular vessel, not, certainly at my own request, but at the wish of the builder. She was a ship of a particular description—she was, I conceive, a stride in advance of the ships that were previously used. Up to the date of her construction, such ships had usually been built about five times their beam to their length ; and I thought ships of the customary build were much too short. I accordingly gave orders for this vessel to be made seven and a half times her beam to her length, which I took to be an improvement. Now, when a man takes a step in advance in such matters, a great number of people naturally say, "Oh ! your ship will not answer ; she will capsize, and incur all kinds of risks." However, she came to London, and was engaged to convey about 300 passengers to Australia. She sailed, and had got as far as the Downs, when I received a telegraphic message informing me that something was wrong with her compasses, the weather at the time being stormy and boisterous. This communication reached me at midnight, but I immediately started for the Downs, and when I got on board I found that the ship's compasses were not properly adjusted. Combined with this circumstance, there was the cry still going on that something serious must happen to this vessel. Well, I felt persuaded in my own mind that all would go right, and the captain, together with the crew, had no apprehension, and were all prepared to continue the voyage, believing there was no danger whatever in such a course. However, I said, "If anything occurs to this ship, such as might occur to any other vessel, the public will consider that I am the cause of it, and will blame me for the loss of life that may ensue ; the responsibility of 300 lives therefore rests upon my shoulders, and I will not take upon myself anything so serious." Under these circumstances, although against the wishes of her commander, I ordered the vessel back to London, and sustained thereby a loss of between 2,000*l.* and 3,000*l.* There were on board of her a great number of passengers who were very badly off ; but I did not deal with them as the law directs, and give them 1*s.* per day for their detention until another ship was prepared. I made them allowances according to their several wants, paying to some 3*s.*, to some 4*s.*, and to others 5*s.* a day. The Act did not call on me to provide in this manner for the cabin passengers ; but, unfortunately, a great portion of their number were in even worse distress than the second class passengers, some of them consisting of families who had seen brighter days, and who had lately sold off their all in order to go respectably to Australia. I therefore made them compensation likewise ; and in this shape, to passengers of all classes, I gave away another sum of 3,000*l.* ; thus making my total loss by this ship, by my own free act, about 6,000*l.* I say my own free act, because the Government officer had passed the vessel and had declared her to be perfectly sea-worthy. Well, among such a body of passengers, you might naturally expect that there would be one or two malcontents; and accordingly I found four men who were determined to impose upon my good-nature. These persons summoned me to Guildhall Police Court; and I said that, however liberal I might feel disposed to be, I should consider it a duty to resist what I regarded as extortionate demands. I am sorry to occupy the time of the House with these details; but, as the remarks of the hon. Member for West Surrey affected my personal honour, I trust that I shall not be thought guilty of egotism in thus replying to them. I will briefly quote *The Times*' account of what occurred on the hearing of the case at Guildhall. The newspaper report states that—

> "Sir Chapman Marshall then retired with Mr. Alderman Copeland and the chief clerk to consider the preliminary objection, and, on returning into Court, Sir Chapman Marshall said, they were of opinion that the 44th section did not apply to the matter; and, as the summons was founded upon it, they must dismiss it. . . . Mr. Lindsay's conduct, under the circumstances, was of a nature highly honourable to him."

Perhaps the House will also permit me to read a very few words from the comments made by the press on the case at the time. The *Economist* observes—

> "We see with surprise that the conduct of Mr. Lindsay, to which we adverted last week with praise, has not been so favourably viewed by all the passengers on board the ship."

The *Spectator*, which was so good as to compare my conduct on that occasion with that of certain steam companies, with regard to which there was considerable noise at the period in question, also contains this remark—

> "Mr. Lindsay, the owner of the vessel which is named after him, has indeed taken a course which fully sustains the character of the British merchant. Understanding that the ship was not perfectly fit for sea, he has recalled it, and has taken upon himself all the consequent expense and loss. He has not limited his liberality to telling his passengers that they might seek passages in other ships at their own expense, and merely 'without prejudice' to their claims upon himself. He has not forced his master to prosecute the voyage in spite of a certificate from the medical officer that disease would inevitably break out within the tropics. He must incur a very large sacrifice by his handsome treatment of the passengers; but that price will probably purchase its full worth to himself."

I hope the House will excuse me for detaining it so long with these personal matters, after the statements that were made on a former night by the hon. Member for West Surrey. I will now turn, Sir, to the main points, to answer which I have risen. An hon. and gallant Gentleman, a Member of Her Majesty's Government, the hon. Member for Gloucester (Admiral Berkeley), a night or two ago, was pleased to say, with respect to some statements made by me elsewhere, that they were "virulent untruths." Now, I think I can satisfy the House, in a very few words, and by the best of all testimony, that instead of my statements being "virulent untruths," instead of their being over the truth, they were actually under the truth. I shall prove my statement from the Government's own witnesses. The first case that stands before me is that of a valuable steamship, which I said was ordered to proceed from the Thames to Newcastle to take on board some twelve tons of combustibles on her way to Portsmouth. My proof of that assertion, Sir, is a note which I hold in my hand from one of the departments of the Admiralty, and which I am ready to submit to the inspection of right hon. Gentlemen on the Treasury benches. The note runs thus—

> "Sir James Graham insists the *Robert Lowe* shall be ready to proceed to Newcastle to take on board about twelve tons of combustible stores on Monday next, previous to her going to Portsmouth to embark her troops. The owners are to provide provisions for 680 men for two months. Government will supply tanks and water-casks and provide the water. There will be from 400 to 500 tons of stores shipped as cargo. The Admiralty expect every exertion to be used in getting the ship ready for sea."

But the case, Sir, is really worse than I represented it; for in this note there is this passage, written in pencil, which I did not read elsewhere—

> "And that men be employed to work day and night; in fact, Sir James says he must not be disappointed, the service being most urgent."

This note is dated the 25th of October, 1854, and signed "H. J. Wentworth." So that it was not twelve tons of combustibles that were to be taken on board. If that had been so, there might have been some excuse for an order apparently so absurd, because the articles might have been of such a description that they could not have possibly been stowed in any other ship except that which was to carry them to the Crimea. But the fact was, they were nothing but twelve tons of iron tanks or cylinders, as they are called, which were to convey combustibles. But, further, the pencilled passage gives orders to the owners of the vessel to work night and day. To do what? Surely, to get these 680 men out? For I wish the

House to remember that at this time our army was very nearly driven out of the Crimea, and more troops were urgently demanded at such a critical juncture. But no; on the contrary, this vessel was actually ordered to go about 1,000 miles out of her way, and her owners were pressed to work night and day to get her ready, that she might take on board twelve tons of cylinders. If, however, the Government are not satisfied that the note I have read is a sufficient proof, here is another, from the dockyard at Deptford, and dated two days afterwards, namely, the 27th of October, 1854—

> " ——— begs to acquaint ———, that in consequence of a telegraphic message just received, it is not now intended that the *Robert Lowe* should proceed to the Tyne, as the cylinders intended to be shipped in her will be sent thence to Woolwich."

These, Sir, are my proofs from the Admiralty's own witnesses of the truth of my first statement, and they are at the service of the Government. In support of my next assertion I will adduce similar testimony, that of their own letters. Here they are. I stated that a steamer, valued at nearly 100,000*l*., was ordered to come round from the Clyde to Liverpool, in order to be surveyed, because the surveyor would not or could not go to her. Now, here is a letter from the office of the Directors of the Transport Service and Prisoners of War, dated Admiralty, June 8, 1855, and marked "Immediate." This case is actually even worse than the one I stated, for it was not merely that they ordered the ship to be sent from the Clyde to Liverpool in order that she might be surveyed, but all the way round from Greenock to Deptford. This was only so far back as the 8th of this month. If the Government wish me to rake up old stories, I can bring plenty forward, but I say that in the present month of June a ship was actually ordered all the way round the land from Greenock to Deptford, in order that the Surveyor should go on board and survey her. The letter states that they would accept the ship, but only upon the condition that she was that moment prepared to come round to the river Thames to be surveyed and fitted for horses. That letter was signed "E. Giffard." The owner remonstrated in a letter dated the 9th of June, as follows—

> " Sir, the *Columbian* is quite ready; but do I understand rightly from your letter that the ship is to come round to Deptford before being finally accepted?"

The owner was thunderstruck, as well he might be, at such a proposal, and wrote to know what they meant. The reply he received was the following letter—

> " Sir—In answer to your letter of this day, I am commanded by the Directors of the Transport Service to acquaint you that they cannot spare their officer at Liverpool to proceed to Greenock to survey the *Columbian*, as his duties require his presence at his own port."

That is dated Admiralty, June 9, and likewise signed "E. Giffard." Here were cases in which the Government required that the ship should come to the surveyors, when it was stated by one of the owners that bringing his valuable ship from Glasgow to Liverpool would cost 400*l*. The consequence was that the merchant, the owner of the ship, who was a Manchester man and a man of business, was disgusted, and gave an order to the broker to write a letter, of which the following is a copy—

> " No. 8, Austinfriars, June 12.
>
> Sir—I was duly favoured with yours of the 9th and 11th instant, in reference to the screw steamship *Columbian*. The owners decline to incur the heavy expense of sending so large a ship round to Liverpool or Deptford without first knowing that your surveyors approved of her, and they felt your demand to be so unreasonable and unbusiness-like, when at so small an expense you might have sent a surveyor to the ship at Greenock, that by their orders I have engaged this ship and the *European* elsewhere.
>
> " John Gladstone."

The fact is, that that very day the ship was engaged to the French Government. Is not this a proof, by the mouths of their own witnesses, of the truth of the statement I made elsewhere? Now, the next case I think was the ordering of a steamship to go from Deptford to Woolwich, because the engineers resided at Woolwich, and it was more for their convenience to go on board there. Sir, the thing is so monstrous that it is really difficult to believe that it could have occurred. In this case I have no correspondence, but, if the House desires it, or if there is any doubt about it, I am prepared to bring witnesses to the bar of the House, who will swear to the truth of the statement I have made. In regard to the fourth statement, which was in reference to sending out 3,000 horses for the use of the army in the East, the hon. and gallant Member for Westminster (Sir De Lacy Evans) one night in the House had remarked to me that he was very anxious that 3,000 horses should be sent out to the Crimea, as the cavalry regiments were very much in want of them; but that, though the horses were ready, the Government had over and over again told him that "they could not find ships." It was about the 1st of April that the hon. and gallant Gentleman made that statement, but at the end of that month he repeated it, and then said that the same high authority had told him that they could not find ships. On the 1st of May I wrote the following letter to the hon. and gallant Member—

> "8, Austinfriars, City, May 1.
>
> "Dear Sir De Lacy Evans—You mentioned to me a short time since that you were anxious to see sent out some 3,000 horses for the division of the army you commanded in the East, and that, though the horses were ready, the Government over and over again told you they could not find ships. I expressed my suprise to you, and I thought that where there was a will there was surely a way. I referred, and found at the very time the Government were telling you they could not find ships, a friend of mine had in one letter offered to Lord Panmure a magnificent fleet of, I dare say, the finest and swiftest ships in the world, ready in twenty-four hours' notice to convey, at the low rate of some 16*s.* or 17*s.* per ton register, 2,200 horses from this country to the Crimea, and that the only answer he received was the usual one, that it would be considered. That day I suppose that important letter was popped into the great big waste basket at the War Office, or sent to the Admiralty, and lost in the chaos which there appears to reign supreme, for he heard no more about it. These ships have, of course, since that time all gone on other voyages. Last night, in the House, you told me again that the horses were still eating their heads off, while our army prayed for them in the East, and that the same cause kept them here—no ships, at least no suitable ships."
>
> . . . .
>
> "It is sad to think of all this perverse—what shall I call it?—perverse imbecility, if not something worse. I spoke to my Friend in the city this morning, and here is another fleet already for your horses at about the same low rates. . . . They are all ships averaging from 1,200 to 2,100 tons register, and could carry in safety the number of horses affixed to each."

My Friend gave me the names of the vessels; they were capable of carrying 2,660 horses in all, and he was prepared to procure them that morning for the Government. Now, this is in point of fact based upon conversation between the hon. and gallant Member for Westminster and myself, and I repeat here, in my place, that that conversation did take place between us, that I sent a letter to him of which what I have read is a copy, which is at the service of the Government if they want it, and that the hon. and gallant Member acknowledged it at the time with great courtesy. I therefore repeat the statement here which I made elsewhere, and I have no doubt that the hon. and gallant Member is prepared to confirm it. As to the question of the offer of such ships having been made to the Government, I presume that the Government will not deny that fact, because I think they will find the letter offering the ships, the date being somewhere about the 17th, 18th, and 19th of March. They will find on inquiry that such a letter was sent to the War Office, and that it was merely acknowledged and referred to as having been handed over to the Admiralty, who never answered it at all. Now, Sir, there was another statement which I made; I said that I doubted very much if the Returns which were lately laid upon the table of the House were correct. This is much more important than anything else I said: This House will remember that on the 29th of January a Return was ordered, upon a Motion made by myself, of the stores sent to the East, from the 1st of January, 1854, to the 1st of January, 1855, containing the nature of the service, the tonnage of the vessels, the period at which they were sent out, and when they arrived at the East. It is only some ten or twelve days since that these Returns were laid on the table of the House. The Government have been no less than five months making them up. The Returns themselves are exceedingly important, considering the amount of money the House had voted for the maintenance of the army in the East, and that that army died unclothed, unsheltered, and unfed, and I was very desirous to get at what quantity of stores had been bought, and what quantity had been sent out. Well, Sir, I doubted the correctness of the Returns, but the right hon. Baronet the late First Lord of the Admiralty, told me, and not only me but the House, that the books of the Admiralty, he was prepared to say, were as well, if not better kept, than the books in Austin Friars. I had good reasons for wanting to know what quantity of stores had been sent out, and I think the House will agree with me that I arrived at a sound conclusion when I expressed that doubt, for the Government have been five months compiling these Returns, which, had they kept proper books, might have been made out and laid upon the table, at all events, within one month instead of five. But what were the Returns after all? They do not give a single item of the commissariat stores, which are the most important. The House wanted to know how much food, how much of the necessary articles of life, had been sent out; but these Returns give nothing more than the quantity of shot and shell, gun carriages, and medicines sent out last year. Why is it that a Return has not been made of the stores sent out to the army in the East, which was one of the Returns for which the Motion was made? Now, as to the correctness of the other Return. Here it is; "A Return of the number of Transports engaged, with the work they have done," ordered on the 29th of January. The House will remember that I was constantly urging the Government to lay this Return on the table, but they have taken five months to prepare it also, and I believe that, had it not been that they were so urged, we should not have received it yet. The first ship I take up is the transport No. 102, and I call the attention of the Government to this particular ship, because I find that the captain is now in London, and he is willing to make an affidavit of the truth of the facts which he has stated to me. That ship is returned by the Admiralty as having made twelve voyages between the 10th of June, the time she left, in 1853, to the 31st of December, 1854, and to have taken so many horses and so forth, whereas in the list which the captain has given me, instead of twelve voyages, she is set down as having made twenty-one voyages within those two dates. The Return says that 713 tons of cargo have been sent, but I find that 1,063 tons were carried. Again, the Government return says that six military officers have been carried in that ship, but I find that she has really carried 190 officers. The Return mentions three horses as having been conveyed in the ship, but in truth she has carried 124 horses, 227 sheep, and fifteen bullocks. The Return also says she has carried 324 soldiers, but, in fact, she has carried no less than 4,306. The Return is silent as to her horse-power, and cannot state the quantity of coals consumed. But here is the consumption of fuel, day by day, which the Government could have ascertained with very little trouble. I say this is a serious matter. What was the object of the Return? I wanted to find out what had become of the 8,500,000*l.* of the people's money voted by Parliament. No information can be gathered from this Return, for I have a right to infer that if it is wrong in one instance it is wrong in others. This Return, then, I say, is not merely waste paper, but it is worse, for it deceives both the public and the House. I might call the attention of the House to many other points, but I do not wish to occupy more of its time than is absolutely necessary for my own vindication. I must, however, be permitted to remark that one thing struck me in this Return as somewhat strange, that while certain ships are only getting 20*s.* per ton others are being paid 31*s.* and 32*s.* 9*d.* per ton. Here is one at 33*s.* 9*d.*, which was reduced from that rate only in March, and that vessel is described to me as a "hogged" ship, something like broken-backed, or if any hon. Member will go and look at the floating battery now lying in Mr. Scott Russell's yard, he will see what I mean, although of course to a greater extent than in the case of the vessel I refer to. I find that ship was kept on until March at 32*s.* 9*d.*, while magnificent thirteen year old ships were earning 20*s.* only. I do not say there has been anything wrong, but I have been told the owner of that vessel went out to Constantinople with letters and arranged the business out there. I know it will be said by any Member of the Government who may do me the honour of replying to my remarks, that it was impossible to pay off all the ships at that time. That is very questionable, for most of the shipowners to whom the circular of reduction was sent agreed at once to take the reduced rate of 20*s.* per ton. I think I have shown the House by the best possible means that I am not a teller of "virulent untruths." That statement, those words have grieved me deeply—they have gone forth far and wide wherever my name is known—not only in the seaports of England, but in the seaports of the world—and that name, which I trust and believe has been respected by others, has been stigmatised by a Member of the Government of England as that of a teller of "virulent untruths." I will not reply by any harsh words, but I declare that if the hon. and gallant Gentleman had taken from me all that which I have gained by my industry—if he had taken from me all my ships and all my capital, he would not have done me a worse injury than by depriving me, as he attempted to do, of my good name. During my career through life, from the state of a humble seaboy to my present position as a Member of this House, I may have made some envious enemies, who have endeavoured to stay me in my onward course, but no one has ever impeached my veracity. Therefore I say sincerely I have felt deeply that a Member of the Government should rise in his place in Parliament, and, by denouncing me as a stater of untruths, should endeavour to rob me of that character which I value above all price, which was once my only capital, and which, if all my property should be taken from me, would enable me to regain fortune and position—a character for adherence to truth. I will now bring my observations to an end, although I could say much more on the maladministration of the Admiralty; and, thanking the House for its patient endurance, will conclude by saying, in the words of our great poet—

> "Who steals my purse steals trash; 'tis something, nothing;
> 'Twas mine, 'tis his, and has been slave to thousands;
> But he that filches from me my good name,
> Robs me of that which not enriches him,
> And makes me poor indeed."

SIR CHARLES WOOD: Much, Sir, as I regret the interruption to the public business of the House which the introduction of this new topic must occasion, I confess that I am personally grateful to the hon. Gentleman for making the statement which we have just heard. The hon. Gentleman has thought proper in another place to make a statement impugning, in no very moderate terms—in language a good deal stronger than that which he has now used—the administration of the Admiralty, not only since I have had the honour of a seat at that Board, but for some time before. I was surprised that the hon. Gentleman did not make this statement on a former evening, when he had ample opportunity for doing so. I certainly had expected that when the hon. Member for Aylesbury, the leader of the Administrative Reform Association, made the Motion which he did a few nights ago, he would have been better supported by the members of that Association; and I was more particularly surprised that the hon. Member for Tynemouth did not rise in his place and make in this House the accusations which he had made against the Admiralty at Drury Lane, and which he has now repeated. The hon. Gentleman says that he waited for some explanatory statement from me, and seems quite to forget the maxim of English justice, that the accusation ought to precede the defence. I will not, however, occupy the time of the House by further preface, but will proceed to state the real facts of the different cases brought forward by the hon. Gentleman. I will use no harsh language. I will not tell him that he has said what is not true. I will leave the House to judge for itself, after hearing my explanations, whether the hon. Gentleman is warranted in making the statements which he has made with respect to the alleged mal-administration of the transport service, and of the Admiralty. Now, Sir, I have never said, and never intended to say, that the whole of the hon. Gentleman's statements were destitute of foundation. The hon. Gentleman told his audience at Drury Lane that he did not pretend to eloquence, and that what he dealt in were facts. But the hon. Gentleman dresses up his facts a bit here, and colours them a bit there, until a person acquainted only with the naked truth, would hardly know it again after it had been submitted to the process. Many persons have objected to historical novels, on the ground that they corrupted the pure stream of history by mixing up facts with fiction. I make precisely the same complaint of the hon. Gentleman. He has, in addition to that eloquence which we have heard to-night, a most lively imagination; and when he once gives the rein to his fancy, it seems as if his imagination altogether overpowered his memory, for the fictitious parts of his statement considerably exceed those which are true. The statements of the hon. Gentleman this evening are substantially the same as those which he made at the meeting at Drury Lane, and as I have a printed report before me of his speech on that occasion, I will refer to that report of what he said, in order that I may not inadvertently misrepresent anything which fell from him, and I will deal with his assertions one by one, as they were made on that occasion. One of the latter statements made by the hon. Gentleman tonight was the first made by him at Drury Lane—namely, that relating to the transport of horses. The hon. Gentleman said that the hon. and gallant Member for Westminster (Sir De Lacy Evans) had made to him the following statement. I now read from the printed report:—

> "I have been waiting for more than a month to send out three thousand horses to the division which I commanded in the Crimea, which is very much in want of horses. I have bought the horses, but the Admiralty tell me they cannot find tonnage to send them out."

Now, it is not true that three thousand horses were wanted for the Second Division; it is not true that the hon. and gallant General bought them; it is not true that the gallant Officer applied to the Admiralty for conveyance; it is not true that he had been told by the Admiralty that no tonnage could be found for those horses. If the hon. Gentleman, this great administrative reformer, had taken the trouble to make himself acquainted with the mode in which horses are purchased for the army, he must have been aware that the statement he attributed to the hon. and gallant Member could not be true; and I need not add that all who know the hon. and gallant General must be certain that he could not have stated to the hon. Gentleman that which was not true. I am quite ready to admit that the hon. Gentleman has very much ornamented his story by the introduction into it of the hon. and gallant General's name, just as the account of the meeting at Drury Lane has been ornamented by introducing into the report of the persons present at the meeting the names of a great number of hon. Gentlemen who were said to have been on the platform, but who never entered the Theatre. [*Cheers, and a cry of* "Question!"] Were not the misrepresentations of the hon. Gentleman to the question? The hon. Gentleman said that not a syllable had fallen from his lips at Drury Lane which was not strictly true, and I have now pointed out, in the first sentence uttered by the hon. Gentleman, four circumstances which he alleged as facts, but which are utterly untrue. The hon. Gentleman might have heard something about a want of horses, and something about a difficulty in finding transport, but when he attributed what he had gathered from hearsay to the hon. and gallant General, he put words into the mouth of the hon. and gallant Officer which could never have fallen from his lips. But now I will show to the House what has, in fact, been the conduct of the Admiralty with regard to the transport of horses? The only date mentioned in the hon. Gentleman's speech was the 1st of May. I have, therefore, called for an account of what has been done by the Admiralty in sending out horses since that date. The Admiralty are guided in preparing tonnage by the requisitions of the Horse Guards and the War Department, and on the 1st of May the number of horses for which transport was required was 2,030. The requisitions in May were for 394, and those up to June 15 were for 386, making in all 2,810. The number of horses which have sailed or been embarked for the Crimea from the 1st of May to the present time is 2,649, leaving 161 to be provided for. The House will thus see that the number of horses for which conveyance was required on the 1st of May was not 3,000, as stated by the hon. Gentleman, but only 2,000. More than that number has been sent out, and of the total number for which we have been called to provide up to the 15th of this month, only 161 have not been embarked. There are at the present time fitting out, and nearly ready, horse transports for 230 horses, and we have also heard of four vessels on their way home that will take 738 more, making thus a total provision for 968 horses. I am quite aware that further transport for horses will be required; but we have, in fact, ordered home from the Black Sea, transports capable of carrying 1,500 horses, and we are in daily expectation of their arrival. Hon. Gentlemen may say that we ought not to wait for this, and ought to have taken up other vessels. I am not ashamed to say, that however deep the interest of the war, we are bound to have some little regard to the public purse, and with such ample means of transport as we have at our disposal, we should not have been justified in recklessly taking up any more vessels. We have in the service of Government at this moment, transports capable of conveying 5,500 horses at once. They are of course mainly employed in the Mediterranean and the Black Sea. They have been used for the conveyance of horses for the Turks, for the French Government, for our own army, for the Sardinian contingent, and of the horses and mules bought for the land transport service in Spain and various parts of the Mediterranean. The Admiralty wrote to the officers in the Black Sea, desiring them to send home such horse transports as could be spared as soon as possible, and we had every reason to suppose that many of them would have been here before this time. But two circumstances have delayed their arrival. We undertook to convey 2,000 horses for the Sardinians, and made provision accordingly; but they brought down to Genoa 3,000 horses, and provision had thus to be made unexpectedly for 1,000 horses more than we had been apprised of, and this delayed the return to this country of transports for 1,000 horses. Next, the generals seemed to have considered—and I have no doubt they were right—that the most pressing demand was the conveyance to the Crimea of the land transport animals. These two circumwith all the courtesy due to him, but as I had only recently come to the Admiralty, I desired Captain Milne, who had been at the head of the transport service, to be present. The interview, therefore, took place in the presence of a witness, to whom I have since referred, in order to ascertain whether my impression of what passed coincided with that of the gallant officer. I found that his recollection entirely agreed with my own, and I am therefore perfectly satisfied as to the accuracy of the account which I am about to give the House of what passed. I asked the hon. Member, first, whether the mode of taking up transports was the best that could be devised? The hon. Gentleman replied that it was as good a course as any that the Government could pursue, and indeed he subsequently made a statement to the same effect in this House, both as to the mode of taking up vessels and as to the price which we paid for our transports. There has been an opinion afloat, in which, I observe, the Committee presided over by the hon. and learned Gentleman the Member for Sheffield appears in some degree to participate, namely, that there has been some fraud or collusion amongst the officers dealing with the contracts. I asked the hon. Gentleman, therefore, if that was his opinion. The hon. Gentleman replied that he had never seen any trace of such collusion, and that he believed the parties to be perfectly honest. I then asked him if he had any objection to the charter parties? His reply was, that there might be some slight alterations suggested; but that on the whole he agreed in their form, and that they contained nothing more than was required for the protection of the Government, and entailed no hardship or inconvenience on the merchants contracting. The hon. Gentleman then produced papers as to his mode of taking up vessels, but it was obvious on looking at them, as the hon. Gentleman himself at once admitted, that they were not applicable to the Government mode of doing business. The only suggestion that the hon. Gentleman made was with reference to the mode of keeping the accounts, in order to show more clearly how the different transports were employed. Captain Milne immediately took the hon. Gentleman into another room, and pointed out to him that the very improvement he recommended had been in use at the Admiralty for the last year. I do not pretend to give an opinion as to the mode in which the hon. Gentleman manages his business, but, when he says that nothing is so gross as the mismanagement at the Admiralty, and that there chaos reigns uncontrolled, and when I am able to state that after a most friendly conversation with the hon. Gentleman the only suggestion which he could make was already in practice, I will leave the House to judge of the accuracy of the opinion which the hon. Member has stated as to our mode of doing business. I am, however, able to give the House further proof of the extent to which the hon. Gentleman approves of our charter parties. It is very remarkable that the hon. Gentleman is so satisfied with the charter parties of the Government that he actually copies them. The hon. Member contracts with the French Government. Of course, there is no objection to a Gentleman sitting in this House doing so; and the hon. Gentleman entered largely into contracts of that description — generally contriving, by the by, to obtain 5*s.* or 6*s.* per ton more from the French Government than the Admiralty pays for the vessels which we take up. [Mr. LINDSAY: Allow me to explain.] I have not the least objection to the hon. Gentleman getting a better price from the French Government; but, at all events, it is not a proof that the business of the English Admiralty is so ill-managed. I have in my hand a charter party between the firm of W. S. Lindsay and Co. and his Excellency the French Minister of War, and I find that it is not an imitation merely of that of the English Government, but a servile copy. For instance, everybody knows that certain risks are excepted in every charter party; but the House will be a little surprised to learn that in the charter party between the hon. Gentleman and the French Government there are specially excepted all risks "from the act of God and the *Queen's* enemies." The words should obviously be "the Emperor's enemies;" but the hon. Gentleman adheres rigidly to our words, however unfitted for his purpose. Again, the hon. Gentleman undertook to provision the French officers. He bound himself to give them breakfast, dinner, tea, and supper, "and a pint of good *port* or other good *foreign* wine," actually excluding all French wines from their mess table. That would be a very natural stipulation to make with respect to English officers, but is a very strange one with regard to French. The fact was, the hon. Gentleman found our charter parties so good that he did not like to depart from them in the least degree; and he, therefore, copied them as they stood, however absurd they might be when applied to a French contract. I now come, Sir, to what the hon. Gentleman said was his great case, namely, the vessel which he said was directed to call at Newcastle on her way to Portsmouth. Now, I admit at once, that the ship was directed to go to Newcastle, not "on her way," as the hon. Gentleman said, but, as he has truly read from the letter of Lieutenant Wentworth to-night, previously to her going to Portsmouth. The hon. Gentleman stated, at the Drury Lane meeting, that—

> "The steamer was under orders to go to Portsmouth to take up troops immediately for the Crimea, but orders were given by the Admiralty to the owner, that in her way to Portsmouth she must call at Newcastle."

This statement is said to have been received with "shouts of laughter, 'hear, hear,' and cheers;" and, of course, with a packed audience and loose assertions, it is very easy to make people cheer or cry "shame!" He went on to say—

> "If this was not so serious a matter for the country, he could laugh himself—but to be ordered to go to Newcastle to call for those twelve tons of stores! The owner wrote to the Secretary to the Admiralty, saying that those twelve tons could be brought up from Newcastle for 6*l*., but that it would cost the country 2,000*l*. for the ship to go round for them. The Admiralty wrote a very angry letter, as if he were presuming to dictate to them, and ordered the ship to go round. The owner again remonstrated, and an order came down in which it was said, 'Sir J. Graham insisted that the ship should be made ready to go to Newcastle to take in twelve tons of combustibles on the following Monday, on her way to Portsmouth.' Still the owner said he could not put the country to the cost of 2,000*l*., and he would not let the ship go let the consequences be what they might. In three days, the Admiralty being ashamed to write a contradictory order, a letter came from another department at Deptford, in which it was said, 'Captain Austin begs to inform Mr. ——.' [*Cries of* 'Name, name!'] He would give the name to any one in confidence, but he did not think he should be required to state it publicly. Well, 'Captain Austin begs to inform Mr. ——, that in consequence of a telegraphic message just received, it is not intended that his ship should go to the Tyne, as the articles at Newcastle will be sent thence to Woolwich.' And so they found out their mistake at last."

I hope the House will forgive me, but I must beg their particular attention to each individual assertion, because I will show, assertion by assertion, that this alleged case of gross mismanagement is utterly untrue. The name not given by the hon. Gentleman is that of Mr. Stringer, the partner of the hon. Gentleman, at least, if not his partner, the gentleman who communicated constantly with the Government on his business; and the ship in question is the *Robert Lowe*, a vessel which belonged to the hon. Gentleman, before he was a Member of this House, and which, having been transferred to Mr. Gladstone since the hon. Gentleman came into Parliament, was chartered to the Government by Mr. Gladstone in October last. The hon. Gentleman, however, constantly interferes in the management of this vessel, and, therefore, the whole of the circumstances must be perfectly known to himself. Now, why was the *Robert Lowe* ordered to Newcastle? At the time this transaction took place, the Government were very anxious to obtain the means of forcing the entrance into the harbour of Sebastopol. The late First Lord of the Admiralty communicated with Mr. Rendel, an eminent engineer; and after consulting with him and other gentlemen whom it is unnecessary to mention, it was determined that large explosive cylinders should be constructed for the purpose of blowing up the sunken ships at the entrance of the harbour. Mr. Rendel recommended that these cylinders should be constructed by an eminent manufacturer of Newcastle, Mr. Armstrong of the Elswick Iron Works. This gentleman was represented to Sir J. Graham as a most intelligent person, and one who was more likely than anybody to construct these cylinders in a way that would be effective. The reason why the *Robert Lowe* was ordered to Newcastle was, in consequence of the following letter from Mr. Armstrong to Sir Baldwin Walker, the surveyor to the Admiralty, dated October 20, 1854—

> "I take the liberty of suggesting that much valuable time would be saved by shipping them direct from the Tyne. They cannot, I believe, be sent by continuous railway to any of the Royal arsenals, and the delay and risk of accident attending the shifting of such heavy things from one railway carriage to another, and the cartage of them from stations, would be considerable. The powder for charging the magazines might be obtained from Tynemouth Fort (where I understand there is a sufficiency), and sent to these works, so that the apparatus might be delivered here ready for use, without requiring subsequent disturbance."

This, Sir, was the reason why the *Robert Lowe* was ordered to Newcastle. On this subject a letter has recently been received from Mr. Armstrong, stating the transaction more fully, written after he had seen the statement made at Drury Lane, in which he says—

> "I believe it was my own suggestion that the steamer which was to convey these cylinders to the Crimea should take them on board at Newcastle, in order that they might be charged and finally closed up before they left the manufactory; and you will recollect that, in consequence of this course not having been pursued, the cylinders had ultimately to be charged and closed up one by one as they were received on board the *Robert Lowe*, in the Thames, and that actually more time was thus consumed than was occupied in the making of the whole apparatus. The weight of the cylinders and their accompaniments is enormously understated by Mr. Lindsay. I cannot to-day (being Sunday) get you the particulars, but I believe the weight was nearer fifty tons than twelve. How Mr. Lindsay can make out that it would have cost 2,000*l.* to send this vessel (of which I understood he was himself the owner) to Newcastle I cannot conjecture, but I will venture to say that the demurrage ultimately incurred in consequence of *not* sending her there would be *at least* an equivalent expense, besides involving a great delay, which (as was then considered) was of the utmost importance to be avoided. There was no convenience at Woolwich such as we had at Elswick for charging these heavy cylinders, and the authorities there were so scrupulous about risk of explosion that they would not sanction the operation being performed within the arsenal."

The real weight of the cylinders was upwards of seventy tons; but that is of little consequence except as a further example of the inveterate inaccuracy of the hon. Member for Tynemouth. I hope that I have now satisfied the House that there were good reasons for ordering the *Robert Lowe* to Newcastle, that it was done out of no whim, or freak, or senseless caprice on the part of the Admiralty, but for a good and sufficient reason. The hon. Gentleman went on to say that the owner wrote a strong letter of remonstrance to the Admiralty, stating that he would not expose the vessel to this risk—that he received an angry letter from the Admiralty, a subsequent order to send her to Newcastle, and ultimately answered that, be the consequence what it might, he would not send her to Newcastle. Now, in all this there is not a syllable of truth. This was the letter—

> London, October 26, 1854.
>
> "In obedience to the command of Sir James Graham and the Lords of the Admiralty, the *Robert Lowe*, steam transport, will be ready to proceed to Newcastle on Monday; Mr. Mare, the shipbuilder, having promised to have the work ordered by Government completed on Saturday next. Everything else, as far as I am concerned, is in readiness. Might I be allowed to point out to their Lordships the risk attending a ship of so large a tonnage being sent to the north of England at this season of the year, and at a period when such great destruction has been caused by the storms which are experienced there? Should any accident occur, it may detain the regiment going in the *Robert Lowe* for the sake of twelve tons of combustibles. Every order received by me shall be strictly attended to.
>
> "JOHN GLADSTONE."

That was the only letter which was received by the Admiralty. It did not bear out the description of the letter given by the hon. Gentleman, and when he stated that the owner refused at all hazards to send the ship to Newcastle, he certainly stated what was directly the reverse of the truth, for Mr. Gladstone said in his letter that she was ready to go. Nor was the answer from the Admiralty an angry letter, or a positive order for the ship to go to Newcastle. The answer was an intimation that the vessel was not to go to Newcastle. But why did she not go? Not in consequence of any change of determination on the part of the Admiralty, not because the Admiralty had found out their mistake, though they were ashamed to confess it, as the hon. Gentleman was pleased to assert, but because the ship was not ready at the time appointed. She was not ready at the time when the service was to be performed; a delay was incurred in consequence of her not being ready; and ultimately the cylinders were sent up at a considerable expense by railway. The hon. Gentleman said that they might be sent up for 6*l.*, but the actual cost was 97*l.* They were sent up and charged at Woolwich, instead of at Newcastle, not, I repeat, in consequence of any change of purpose on the part of the Admiralty, but because the hon. Gentleman's house had failed in its duty. I will state another fact, which will perhaps not a little surprise the House. We have heard a good deal about the stowage of the *Robert Lowe.* Those statements were proved, upon inquiry, to be utterly inaccurate and unfounded. The only ground stated in the report of the Commission appointed to inquire into this subject, why the cargo of the *Robert Lowe* could not be delivered as it ought to have been, was, that the captain and the chief mate had both been removed before the sailing of the vessel. Now, the House would be a little surprised to find that the person who changed the captain and the chief mate of the *Robert Lowe* was the hon. Member for Tynemouth himself, and he did it without the knowledge of the Admiralty. The master was changed because he was ill; but I have heard of no reason why the mate was to be changed. The consequence was, that, in the vessel of Mr. Gladstone, the father of the partner of the hon. Gentleman, and by the hon. Gentleman's own orders, a master and mate were sent out who were unacquainted with the manner of stowing the stores. I will now take the next statement of the hon. Gentleman:—

> "A steam ship was lying at Deptford, and the Government engineer, who was to go in her, lived at Woolwich. It was necessary that before the ship was engaged the engineer should inspect her engines. Orders came from the Admiralty to the owner to take her round to Woolwich in order that the engineer might walk on board. The owner answered that it would be better for the engineer to come to the ship than for the ship to go to the engineer, and that it would cost the country less, as the engineer could come over to Deptford for 4*d.*, and the ship would cost 100*l.* in going to Woolwich. The Admiralty ordered the ship to go down, but the owner said that he would not send her down, and that he would rather take her away from there."

In this case, again, I can only suppose that the fancy of the hon. Gentleman has overcome his memory. As soon as I read the statement I applied immediately to Captain Austen, an officer of very high character, the superintendent of the victualling yard at Deptford, who has charge of the whole transport service, and I required him to report to what this statement could possibly allude. Captain Austen's letter is as follows:—

> "I can with certainty declare no such thing as a transport proceeding from this to Woolwich has ever been ordered by the Admiralty, or contemplated by me. The system is for the surveying officers to search out and visit the vessels at their stations in the docks or river. This established custom is of daily occurrence."

To make the matter more sure, I obtained a report from Lieutenant Wentworth, the agent for transports at Deptford. He says—

> "I know nothing of the steamer worth 50,000*l.* being ordered from Deptford to Woolwich to have her engines inspected. All ships have been surveyed by me, and had such an order been given I should have known it. In all cases where ships have been ordered for survey in any part of the river I have considered it my duty to proceed to them, and not require them to come to Deptford. . . . The statement that ordering a steamer from Deptford to Woolwich for inspection would incur an expense of 100*l.* is absurd. Supposing she could not use her own steam, she could be towed there for 10*l.*"

As the hon. Gentleman did not give the name of any particular vessel, his statement could only be met by the assertion of the Superintendent of Deptford Yard and of the transport officer at Deptford, that no such occurrence had ever taken place as a vessel being ordered from Deptford to Woolwich in order to have her engines surveyed. But in order to sift the matter to the bottom, if possible, I inquired what could possibly have given rise to such a statement; and as I find that all the hon. Gentleman's statements relate to vessels in which he himself is concerned, I have a strong suspicion that this statement referred to an occurrence which took place not long ago with a vessel called the *Tynemouth.* It is true, to a certain extent (I will show the House to what extent), that an order was given in respect to this vessel, with which the hon. Gentleman did not choose to comply. The *Tynemouth* was under repair somewhere up the river. She was reported by Mr. Gladstone to be ready to go to sea next day. The officers at Deptford had considerable reason to doubt that assertion; and, accordingly, inasmuch as the vessel was to go down the river, not by order of the Government, but to have her compasses swung, directions were given that she should go down with her own engines, in order to test the truth of the assertion that she was in a state to go to sea on that day. That order was not complied with. And why was it not complied with? Because the engines were not in a fit state to go to sea. And when the vessel was surveyed by an officer who went down to Greenhithe, she was then found not ready to go to sea, and the engines were not in a fit state for their work. In this case the hon. Gentleman came personally to the Secretary to the Admiralty, and tried to induce him to give an order superseding that given by the officers at Deptford. It was on the 4th of June that Mr. Gladstone stated that the vessel was ready to go to sea on the next day. On that next day, the 5th, the surveyors, not of the Admiralty, but of the Board of Trade, went down to Greenhithe the day after the vessel was reported ready to go to sea, to survey the hull and machinery, "but could not deliver Declarations because the ship's boats were not on board, and were not expected till the next tide; the register was not on board. The screens for the side-lights required fitting. The safety valves were not in accordance with the Act, and could not be examined, there being a fire in one of the furnaces. A crank pin required fitting. The auxiliary engine required fitting. The fire hose could not be found."

Therefore, after she was reported perfectly ready to go to sea, she was not in a state even to be surveyed, and she ultimately left the river without the surveyor's certificate being received. If that was the case to which the hon. Gentleman alluded, it was not one which showed any gross want of care on the part of the Admiralty. The vessel going down the river was not for the purposes of the Admiralty, but for those of the owners. I have now, Sir, gone through the four great statements on which the hon. Gentleman relied, as proofs of the mismanagement of the Admiralty, and I think I may confidently appeal to the House to say whether the case is proved, and I leave it to them to form their own opinion of the accuracy and the truth of the statements in which the hon. Gentleman indulges. He went on to state that the statement of provisions was not included in the return which he moved for of the stores sent to the Crimea. I do not pretend to give any opinion on the return made in obedience to an order of the House which I hold in my hand, and which is a return from the Ordnance, and not from the Admiralty; but if the hon. Gentleman or any one else wishes to see the return of the provisions sent to the Crimea, he will find it in Appendix 13 to the fourth report of the Sebastopol Committee. The hon. Gentleman then alluded to the return of transports laid before the House, and he referred to the case of transport 102. I find on referring to the return that transport 102 is no other than this very *Tynemouth*, of which I have just said so much. He stated, and probably with truth, that the number of officers and horses moved in the *Tynemouth* was greater than that stated in detail in the return, and that his captain told him he had moved a far greater number both of officers and of horses. It is obvious from the return that the detailed account of officers and horses includes only those officers and horses who embarked in England; the Admiralty had not the details of the embarkations which had taken place at Varna, in the Black Sea, and other places. The return gave the information that the ship conveyed the 44th Regiment. Of course there must have been many officers, and perhaps some horses, embarked at that time, but the Admiralty did not know how many officers or horses were with the regiment. The same remark is applicable with regard to the conveyance of wounded troops from Balaklava to Constantinople, and the conveyance of Turkish troops to Varna. In all probability there may have been some officers in the first case. There must necessarily have been many officers, and may have been some horses, in the second case. This is no sort of proof of inaccuracy; for we cannot pretend to give in detail that which took place in the Black Sea. These are the assertions upon which the hon. Gentleman has founded his charges of mal-administration on the part of the Admiralty. I have now gone through them all, giving chapter and verse; I have quoted the letters of the parties concerned; and I now leave it to every man who has heard me to say for himself how far the assertions made at Drury Lane, and repeated in a modified tone in this House, are borne out by the facts. I must be permitted to observe that when the administrative reformers charge the Government with mal-administration in such strong terms, and point to the transport service as the particular department in which that mal-administration took place, they must remember that it is precisely the transport service which depends less upon the Government, and to a considerable extent more upon private trade, in one way or another, than any other department of the administration. The Government can do exactly what they please with the Queen's ships, and, if anything goes wrong in them, they alone are answerable. But with regard to the transport service, the stowage depends in great measure on the master and the owner; the sailing and management of the vessel, in like manner, depend upon the master and the other officers chosen and appointed, not by the Government, but by the owners; and the Government is less able to answer for the management of the transport service than for those branches of the service which are more immediately under their own control. When I look into the management of vessels by other parties, I do not find such a great distinction in favour of the management of private persons above that of the Government. There are, for instance, three classes of emigration ships. Some are taken up by the Government and are sent out entirely under the direction of the Emigration Commissioners; some sail from ports where there are emigration agents, and some from ports where there are no emigration agents at all, but where the owners of the vessels have the uncontrolled management. Now, there is the greatest possible difference in the percentage of loss between those vessels which are controlled by the Government and those over which they exercise no control. On the former class, the loss is very small indeed; it is considerably greater in the vessels which are only partially superintended by the Government; but it is greater still in those over which they have no control at all. The case of the *Seringapatam* was mentioned some time ago, and it was said that there was great mismanagement on the part of the Government. The Gentleman who brought forward that case evidently supposed that that vessel had been entirely taken up by the Government. It was no such thing. The vessel belonged to Messrs. Green, one of the largest and best shipbuilding firms on the river, and was sent by them with cargo to India; and the Government took passage in it for the troops. They did their best to see that the ship was sea-worthy when she left this country; and I believe that she was so, and that the damage to the vessel arose from the improper stowage of some cargo which the Messrs. Green were sending out to Bombay. But, be that as it may, whatever was wrong was not owing to the mismanagement of the Government, but to that of Messrs. Green, one of the first firms in this country. We were told the other day of the wonderful performances of railway contractors in the Crimea, and I am ready to give them the full credit that is due to them, but I have heard from an officer at Gibraltar that there was no comparison whatever between the Government transports, and those in which the horses of the contractors were conveyed. The hon. Gentleman has made charges of so personal and direct a nature against the management of the Admiralty, has charged them with doing things so ill, and said that he would do them so well himself, that I cannot help alluding to the management of some of the hon. Gentleman's own affairs which have come before the public in rather a prominent way, in order that we may form some opinion whether the affairs of the Admiralty would be so much better conducted if the hon. Gentleman presided at the Board. Certainly the hon. Gentleman's management in connection with the *William Lindsay* emigrant ship, to which he has himself alluded to-night, however creditable his conduct was as regarded the passengers in that vessel—and I give the hon. Gentleman full credit for that conduct—was not such as to impress any one with a strong conviction that he would manage things better than they have been managed by the Admiralty. This *William Lindsay* was the first of a series of vessels which the hon. Gentleman sent to sea in execution of a very good, laudable, and praiseworthy project—that of improving the class of emigrant vessels. In 1852 the hon. Gentleman addressed a circular to every clergyman in Great Britain in the following terms:—

"Austin Friars, London, November, 1852.

"Rev. Sir—Considering the immense numbers of persons of all ranks who are now leaving this country for the Australian colonies, and the wide field of employment offered to them there as compared with their native land, it is a matter of regret that comparatively few have the means of judging as to the efficiency of the vessels advertised, or the responsibility of the owners and charterers, and too often rush thoughtlessly, in the absence of proper information, to secure passages in vessels of which they know little more than the name. As, from your position, you may have many inquiries on this subject we are induced respectfully to draw your attention to the arrangements we have made for carrying out the necessary emigration on a scale and in a manner suited to the requirements of the times; and to beg your valuable aid in making the same known throughout your parish for the benefit of those who may have any desire to make their future home in the distant colony of Australia. We may suggest that the chief points on which intending emigrants should inform themselves are, the class and size of the ship by which they purpose sailing —her height between decks—whether she is coppered and copper fastened—whether well ventilated, and who is the owner or charterer. In a word, they should ask themselves the question, Is the person who undertakes to send them on a voyage of 16,000 miles one of established reputation or a mere adventurer? Finding that emigration to so distant a colony has not been generally conducted in the manner in which it ought or might have been, we have arranged to despatch monthly, or twice every month, according to the demand, vessels owned by ourselves, or entirely under our management, and fitted with every improvement that science can suggest, so as to insure to those who may proceed to that colony as large a measure of comfort and safety as it is possible to obtain on a voyage so lengthened. . . . . The three following ships have been fixed to sail on the 1st of December, January, and February respectively:—*W. S. Lindsay*, *James L. Bogert*, and *Swarthmore*. These are all very superior, new, first-class vessels, built expressly for carrying passengers. . . . . On the 1st of August we will despatch two magnificent ships, which are now building, fitted with steam auxiliary screws."

[The hon. Gentleman warms with his subject.]

"One of these vessels will be named the *Caroline Chisholm*, in which Mrs. Chisholm, with her family, will return to Australia, accompanied by 500 single females, to every fifty of whom a matron will be appointed, whose duty it will be to instruct those under her charge during the voyage, for which purpose a portion of the lower deck will be set apart for a school-room. This will be a most desirable opportunity for respectable females who have resolved to emigrate, as the advantages to be derived from Mrs. Chisholm's maternal attention and patronage in the colony must be of lasting and substantial service to those who proceed under her guardianship. The second ship, which will be exactly similar in every respect to the *Caroline Chisholm*, will be called the *Robert Lowe*, after our respected friend the present Member for Kidderminster, who resided for several years in Australia, and was there an active Member of the Legislative Council."

I give the hon. Gentleman ample credit for his kind and benevolent motives, for all the professions which he announced to the rev. gentlemen throughout the country, and through them to their parishioners. But how did he carry out these professed amiable and kind intentions? The first vessel was the *William Lindsay;* and that vessel, on the hon. Gentleman's own showing, was obliged to put back, because, for some reason or other, she was not able to go to sea, and the emigrants were landed. The hon. Gentleman, most creditably to himself, provided another vessel for them; but as regards the service to be performed, this first vessel was utterly unable to perform the voyage. The hon. Gentleman stated that she was built expressly for passengers; but the builder of the vessel stated most distinctly, in a letter which was published in *The Times* newspaper, that she was built for a totally different purpose, that in the course of building she was altered, and that in the alteration she was spoilt, in consequence of the express and positive directions of the hon. Gentleman himself. The passengers were sent out in another ship—I believe in the *J. Bogert*, an American ship, named in the hon. Gentleman's circular, which performed her voyage very well, but with the construction of which the hon. Gentleman had nothing to do. The next of the hon. Gentleman's ships, the third ship named in his circular, the *Swarthmore*, was surveyed under the Passengers Act, and the surveyors reported her to be deficient in seaworthiness. A second survey was made. The hon. Gentleman disputed this decision; but the Emigration Board came to the conclusion that they could not risk the lives of Her Majesty's subjects in such a vessel, and she was rejected. The hon. Gentleman sent her out to India. She got to Tahiti; and there the master of the *Swarthmore* was so satisfied of

her unseaworthiness that he was obliged to call upon the authorities to survey her. Their report fully justified the opinion of the surveyors of the Emigration Commissioners. They reported (I use their own words) that—

> "This vessel carries in her construction itself such elements of ruin, that unless considerable alterations are made, one can only expect to stop her actual leaks, without removing their causes, which will operate whenever the vessel labours at sea."

That was the second vessel built expressly under the hon. Gentleman's control. Then there were the "two magnificent ships" referred to in the circular, the *Caroline Chisholm* and the *Robert Lowe*. Somehow or other it happened that the *Caroline Chisholm* never went to Australia. Mrs. Chisholm did not go out, charged with the care of these five hundred maidens and their matrons. The expectations excited by the hon. Gentleman's circular were disappointed. The *Caroline Chisholm* had her name altered; and the House will be amused to find that this vessel has, under her new name, occupied a prominent place in this discussion, for she is no other than the vessel now called the *Tynemouth*. The vessel which ought to have gone out with that fair and precious freight under the special charge of Mrs. Chisholm, is now in the employ of the Government conveying shot, shell, stores of various kinds, and armed men to the Crimea. I will not say any more about the *Robert Lowe;* we have heard enough of her — but such is the way in which the hon. Gentleman performed the promises he had held out. I come now to some engagements which Mr. Gladstone has made with the Government; and seeing what is the connection between Mr. Gladstone and the hon. Gentleman, I do not think that I do him injustice in saying that he has a good deal to do with the management of those contracts. There is more than one contract to deliver coals at certain times; and I believe that on no occasion whatever have these contracts been performed within the time. When I was at my late office, the India Board, I there too had the opportunity of seeing how the hon. Gentleman performed his contracts. There is no reason why a contractor with the East India Company should not sit in the House of Commons, and therefore in these cases there is no circumlocution about Mr. Gladstone. The contracts here are openly in the hon. Gentleman's own name. In

May, 1852, the hon. Gentleman contracted to deliver certain quantities of coal. According to the contract, the whole was to have been shipped by the end of August, 1852; it was not all shipped till June, 1853. In the next contract certain quantities of coal were to have been shipped by the end of August, 1852, for Bombay; they were finally shipped by the end of August, 1853, just a year behind the time. Nearly all the time letters were passing between the hon. Gentleman and the Court of Directors, calling upon him to perform his contract, and threatening to enforce the penalties. In 1853, 2,000 tons were to have been shipped by the end of November; they were not shipped till the end of March, 1854. There might be some reason for this—some difficulty in performing these contracts; but gentlemen who fall so much short of their own promises and engagements should make some allowance for others—those who live in glass houses should not throw stones—and ought not to be quite so lavish in their censure of those who have the affairs of the country to administer under very difficult circumstances—that of having to create a large establishment under the pressure of an overwhelming war, besides carrying on at the same time all the immense current operations rendered necessary by the war. But, above all, when they do make statements impugning the character of honourable, and most diligent, and deserving men, they ought to take especial care that their statements are within the fact, and are such as can be borne out. If the statements of the hon. Gentleman are not directly and altogether false and untrue, they are at least framed in such a way as completely to disguise the truth from those who, not having any knowledge of the facts, are utterly unable to distinguish between that slight foundation which is true and that large superstructure of fiction which has been added by the exuberant fancy of the hon. Gentleman.

SIR DE LACY EVANS said, after the speech of the hon Member for Tynemouth (Mr. Lindsay) had appeared in the newspapers, he received a note from the Minister of War, requesting to know from him how far the statement of the hon. Member was accurate so far as he (Sir De Lacy Evans) was concerned. His answer to the noble Lord was, that he had seen the statement referred to in a day or two after it was made and he had mentioned to the hon. Member in that House that there were some inaccuracies in it. The hon. Member replied by saying there might have been some verbal inaccuracies in it, but he did not think that, substantially, it was incorrect. He (Sir De Lacy Evans) now wished to state what really did occur in the brief conversation which he had had with the hon. Gentleman; and as that conversation took place in that House while a debate was going on it was of course held in a low tone, and it was not unlikely but that some mistake might have been made as to what he said. What the hon. Member had previously said was this—that he had heard from what he considered to be good authority that the Government had purchased some time before some 2000 or 3000 horses, for the purpose of remounting the cavalry and artillery in the Crimea. As to the remark of his (Sir De Lacy Evans) having purchased those horses, that, of course, was a mistake, for it would be absurd to suppose such a thing. It was not, however, absurd for him to feel much anxiety and interest upon this subject, and to endeavour to exert himself in forwarding this object. The hon. Member said that he (Sir De Lacy Evans) was naturally most anxious that the transport of those horses should not be delayed, because he knew that the army in the Crimea was greatly in want of them; but that he heard that the delay had arisen because the Government could not procure proper ships to convey them; and that he had asked him (Mr. Lindsay), knowing him to be connected with the shipping interest, whether he thought there could be so great a deficiency of shipping for the purposes required; and, if so, whether he could suggest some means of meeting this difficulty. Now his (Sir De Lacy Evans) only interference in the transaction was his observation that he had heard, from what he considered to be good authority, that the Government had purchased 2000 or 3000 horses for the cavalry, but that a considerable delay had occurred in transporting them to the Crimea. He had further said that he had heard from a certain quarter that sufficient shipping could not be procured for their conveyance. He then naturally inquired from the hon. Member, knowing him to be a good authority on the subject, whether there was really such a scarcity of shipping in the market or not. He knew nothing more of the controversy, but he was certainly inclined to think that the horses had been kept longer in this country than they should have been kept. He did not think they could with economy have been kept so long, and that ships should have been hired at a higher price even to take them out. He had received a letter from an officer of rank within the last few days (not referring, of course, to this controversy), expressing his regret that the cavalry would not be completely remounted until about the 1st of July—a serious obstacle when external movements were contemplated by the Commander of the Forces. That was all he knew about the subject, and he believed the statement to be quite accurate.

Admiral BERKELEY said, that seeing his right hon. Friend (Sir C. Wood) had so completely answered the accusations that had been brought against the Board of Admiralty, he would not, though he had many more matters to state, add one word to the statement which had already been made to the House. He would, however, beg the hon. Member for Tynemouth to be careful how he made accusations against absent men, one of them not a member of the House (Captain Milne), to whom the transport service was at that time intrusted, and statements such as he had made with regard to the late First Lord of the Admiralty. He would ask, also, how it could be conceived that he, a naval officer, would counsel the Admiralty to send a ship from Woolwich to Newcastle on its way to Portsmouth? He would only say that no Member of that House was more anxious than himself to employ, on all occasions, such language as ought to come from gentlemen; and if he had, in connection with this question, been betrayed into warmth, he thought the occasion was one that justified it.

Mr. LINDSAY said, he wished to say that he had not uttered a word which could be considered prejudicial to the gallant gentleman just referred to—Captain Milne. With regard to the Tynemouth, he was able to state that she went to sea within one hour of the time when the Government had the last of their cargo placed on board.

Subject dropped.

THE NATIONAL GALLERY.

Lord ELCHO said, he begged to ask the hon. Secretary of the Treasury whether it is his intention, before moving the increased grant of 10,000*l.* for the National Gallery, to lay upon the table of the House any information as regards the new appointments of director, keeper, and secretary, travelling agent, and accountant; and also, whether any Treasury Minute, establishing and regulating the constitution of the Gallery, has been prepared and will be made public previous to the Vote being taken?

Mr. WILSON said, that before the House was called on to decide upon the question to which the noble Lord alluded, there would be laid upon the table of the House a document, not only fully stating the responsibility of the officers, but also stating the grounds on which the officers were appointed. He would take care that the paper should be presented to the House a sufficient number of days before they were called upon to vote the money, that the House might have full and ample time to consider the question.

The Motion for the adjournment of the House till Monday *agreed to.*

EDUCATION (SCOTLAND) BILL.

Order for Committee read; House in Committee.

The CHAIRMAN said, the question was that Clause 1, as amended, stand part of the Bill.

Mr. BLACKBURN said, he had an Amendment to move, that the clause be altogether omitted. He objected entirely to the constitution of the Board of Education as laid down in the clause. The constitution of the Board, as proposed by this Bill, he must admit, was certainly an improvement upon the Board as originally proposed. The great objection to the Board, however, still existed—that *quasi* popular representatives would not have any control in the Board, but that it would be controlled by the official chairman and secretary, who would have all the real power, while the other members of the Board would merely interpose between them and responsibility. He thought the proper course would be to leave the responsibility with the persons who had the real management of the affairs of the Board, and he therefore proposed that the chairman, whether he was called Chairman of the Board, or Inspector General of Education in Scotland, should alone have the whole management of the system, and should bear all the responsibility of its administration. This proposal had been objected to on the ground that it was a measure of centralisation, but he thought it would have a less centralising tendency than the Bill as it at present stood. If the Committee assented to his proposition to reject the clause, he would be prepared, at a future stage of the measure, to move another clause in lieu of it, empowering Her Majesty, upon the recommendation of the Committee of Education, to appoint a person to be Inspector General of Education in Scotland, for the purposes of this measure, at a salary to be fixed by the Commissioners of the Treasury.

Mr. MACKIE said, he thought that gentlemen connected with town councils would be too much engaged with borough politics and the management of borough funds to be able to attend the Education Board as proposed by the clause, and watch carefully the working out of this system of education. He doubted also whether the Commissioners of Supply would attend; but his chief objection to the measure arose from the want of responsibility in the Board.

Lord WILLIAM GRAHAM said he wished to know from the right hon. and learned Lord Advocate whether there were any words in the Bill to prevent the appointment of a Roman Catholic at the Board; and if not, whether he would object to the insertion of some such words on the bringing up of the Report.

Mr. V. SCULLY said, he hoped the noble Lord, in order to be just, would also ask to have the Roman Catholics of Scotland exempted from taxation under the Bill. He regretted to say that the Members for Scotland, even the liberals amongst them, always voted for Government when not merely Roman Catholic interests but when Irish interests were involved.

Mr. CUMMING BRUCE said, that the hon. and learned Member for Cork (Mr. V. Scully) could not have been in the House when the noble Lord at the head of the Government made such large promises of pecuniary assistance to the Roman Catholics in Scotland in support of their scheme of education—proposals which took the Scotch members by surprise, but to which no objections had been made by any hon. Member on his (Mr. C. Bruce's) side of the House. It appeared that these promises of the noble Lord had a wonderful effect upon the Roman Catholic Members of that House in inducing them to support the Government in this measure, which, without such assistance, would very likely heve been rejected by the House. When the Roman Catholics in Scotland obtained such pecuniary assistance from the Government, he did not think it very unreasonable that they should be asked to bear their fair share of the burden for the carrying out of this measure.

The LORD ADVOCATE said, he had no intention to introduce any words to promote the object which the noble Lord (Lord W. Graham) had in view. He believed that the people of Scotland were under no apprehension as to this matter, and he did not think it at all necessary to make the provision suggested.

Mr. HADFIELD said, he was opposed to the Bill altogether. According to the preamble of the Bill, the Presbyterians of Scotland only were to enjoy the benefit of the Bill. There were three denominations of Christians in Scotland—the Established Church, the Free Church (of which the Lord Advocate was a member), and the United Secession Church. As to the first denomination, the majority of them had declared against the Bill; and the United Presbyterians were opposed to it, if any religious sentiment were contained in it. They had held a synod, at which forty-three voted against the Bill and seventy in favour of it, on the understanding that no religious sentiment should be taught at the expense of the State; so that it came to this, that the only party who would benefit by the Bill would be the Free Church party. The progress of the Bill was somewhat curious. It was in the first instance opposed by the Roman Catholic members on the ground that while Roman Catholics would be required to contribute to the education of the children of Scotland, they would themselves derive no advantage from the measure. This point was very strongly pressed upon the Government in the course of the debate on the second reading; but with no visible effect, as the noble Lord at the head of the Government did not, in his speech on that occasion, hold out any hope that the case of the Catholics would be provided for by the Bill; and the second reading of the measure was only carried by a majority of seven. It was thus evident that the Bill was condemned, and would not be able to pass through its subsequent stages. It was necessary to adopt some means by which the Bill might be saved; a little drama was therefore got up, and a noble Lord on a succeeding evening put a question to the noble Lord at the head of the Government whether it was intended to continue the grant that was now made to the Roman Catholics after the passing of this Bill, to which the noble Lord replied that such was the intention of the Government. Hence the adhesion of the hon. Member for Cork (Mr. V. Scully) to a measure which had hitherto been opposed by almost every Roman Catholic Member in that House. It was a Bill, he felt certain, which would never be accepted in Scotland, and he called upon the Presbyterians of all denominations to repudiate it.

Mr. F. SCOTT said, that a mark of favour had been bestowed by the Government upon their Roman Catholic supporters, which appeared to have had the effect of inducing the hon. Member for Cork (Mr. V. Scully) to change his usual seat below the gangway for one more immediately in connection with the Government. With regard to the tactics pursued by the Government upon this occasion, he felt bound to say that nothing had astonished him more than the absolute silence maintained by the right hon. and learned Lord Advocate with respect to the arguments brought forward by those who were opposed to the step which had been taken by the Government.

Mr. V. SCULLY said, he wished to say, in answer to the remarks of the hon. Member for Berwickshire, who had just resumed his seat, that he had left his usual place below the gangway in order to discover, if possible, who were the Scotch liberal Members who last night on a measure for the benefit of the people of Ireland, had entered the House to record their votes against the opinions entertained by the Irish liberal Members. He believed the measure now before the House to be one for the benefit of the Scotch people in general, and under such circumstances, instead of following the example of the Scotch Liberal Members, he should refrain, as far as possible, from obstructing its progress.

Mr. MAGUIRE said, he had voted against the Bill in the first instance because it did not offer fair terms to the Roman Catholics of Scotland, and because he thought they were as much entitled to the protection of the State as any other class. It was a matter of perfect indifference to him whether the Presbyterians of Scotland repudiated the Bill or not; but he thought it was the duty of the Roman Catholic Members of that House to see that, if the Roman Catholics of Scotland were to be taxed, their claim to be provided for out of the grants of the Privy Council should be properly considered.

Mr. APSLEY PELLATT said, he felt bound to condemn the clauses of the Bill, which, in his opinion, could only be regarded as a sort of hotch-potch, like, in fact, Scotch broth itself. Moreover, the whole Bill was quite uncalled for, there being already in Scotland, owing to the wholesome rivalry between different religious sects, more places of education than there were children to fill them. The noble Lord the Member for London had two years ago expressed the opinion that the Protestant and Roman Catholic denominations had made great efforts to diffuse education among the people, and that any scheme of improvement which should have the effect of introducing the element of discord anong those bodies was much to be deprecated. The true principle in regard to education was voluntaryism, and any attempt to set up a general State-paid system must destroy the existing machinery. He had a great objection to the institution at Knellerhall, each pupil-teacher trained in which cost the country 217*l.* per annum. He should conclude by expressing his determination to offer the Bill his unqualified opposition at every stage.

Lord WILLIAM GRAHAM said, that the landlords of Scotland were willing to support the parish schools without the aid of a rate. On the bringing up of the Report he should move the insertion of words disqualifying any Roman Catholic from serving as a member of the proposed Educational Board.

Question put.

The Committee *divided* :—Ayes 101, Noes 51 : Majority 50.

Clause as amended, *agreed to.*

Clause 2. (That the business of the Board be transacted at Edinburgh, and the salaries and expenses paid by Parliament.)

Mr. W. WILLIAMS said, that since he had had a seat in that House he had never once given a vote in opposition to the promotion of education in the United Kingdom, and it was with extreme regret he now rose to make objection to the application of public taxes in the manner proposed by the Bill. He did not so much object to the application of public money under this clause as he did to that under clause ten, where it was absolutely proposed that the sum of 16*l.* a-year should be paid by the Government towards the salary of every parochial schoolmaster. He should like to have from the right hon.

and learned Lord Advocate an estimate of what the probable expense of such a system would be. There were now three Bills before the House for improving the system of education in England and Wales, neither of which he entirely approved, conceiving, that they did not carry out the principle far enough, but for each of which he would vote, because each did something towards promoting education. Neither of those measures, however, proposed to take the public money on any other terms than according to the views of the Committee of Council on education. The number of schools in Scotland receiving aid from the Committee of Council at present was, he believed, very small, compared with the number provided for in this Bill. All that he wished was the adoption of a principle of fairness, and he was as willing as any man to give Scotland a full share of public money in proportion to its population as compared with that of the United Kingdom.

THE LORD ADVOCATE said, that no doubt the Bill proposed that the schoolmasters should be partly paid out of the public funds. But if we were to have a system of national education, the nation must pay for it in some way or other. The voluntary system had been tried and failed and had long been discontinued in Scotland, and he believed that there was a very small party indeed in that nation now in its favour. Then if the voluntary system would not do in that country, as he had already said, the money for the payment of the schoolmasters must come out of the public funds, and he did not think that it was of much consequence in what manner. The system of Privy Council grants was not adapted to Scotland, because it was only fitted to localities in which a certain amount of wealth and affluence was combined with a certain amount of poverty. But in Scotland there were many localities in which there was the poverty without the wealth.

MR. W. WILLIAMS said, he objected to the Bill on the ground that by it a disproportionate amount of public money would be allotted to Scotland as compared with England.

MR. F. SCOTT said, he believed that the system of education which had prevailed in Scotland for the last two or three centuries, and had produced results far more satisfactory than had been attained in any other country in Europe, was essentially the voluntary system in its best form. It was so far voluntary that the statutary tax was supplemented by voluntary contributions from those who were in the first instance legally liable. And the heritors had last year distinctly declared that they were quite ready to provide any additional funds which might be requisite. He believed there was no country for which the voluntary system had done so much as for Scotland, and he, therefore, contended that it was quite unnecessary to establish a new system in that country. He believed that if this Bill were passed it would diminish voluntary efforts, and that it would be necessary, year after year, to increase the grants from the public funds. If the hon. Member for Lambeth divided the Committee on this question, he should vote with him.

MR. HADFIELD said, the Bill was a measure pernicious in the highest degree, as it stopped the best feelings of the human mind and the Christian heart. Moreover it was an attempt to tax the people without any necessity for so doing; as, if he was rightly informed, there was not a child in Glasgow who had not the means of education provided for him at the present moment. He denied that the voluntary system had failed, at least in England, or in Scotland, so far as the Free Church was concerned. The Bill was a cowardly one, as it did not dare include a provision for the Roman Catholics; and the votes of the Roman Catholics in that House were obtained for it by an illegal bargain. The preamble of the Bill went to give religious education to those sects, and secular education to the others. He proposed to add, therefore, as an Amendment to the clause, that after the passing of the Bill all grants of money by the Committee of Council for the purpose of education in Scotland shall cease and determine.

THE LORD ADVOCATE said, he hoped that the hon. Gentleman would not press his Amendment, as at a future clause there would be a better opportunity afforded for the discussion of the principle which it involved.

Amendment *negatived;* Clause *agreed to;* as was also Clause 3.

Clause 4. (Powers of the Board).

MR. ELIOTT LOCKHART said, he wished to propose, as an Amendment, to leave out the words "Religious and" in line 36, page 3, of the Bill, which gave power to the Board to provide for the examination of schoolmasters.

THE LORD ADVOCATE said, he must oppose the Amendment, as the Bill had been framed to conciliate all classes, and the opinion of the House had already been expressed upon the religious point.

MR. F. SCOTT said, there was a strong feeling among the people of Scotland in favour of the alteration proposed by his hon. Friend.

Question put, "That the words 'Religious and' stand part of the clause."

The Committee *divided*:—Ayes 115; Noes 77: Majority 38.

Clause *agreed to;* as were Clauses 5 and 6.

Clause 7. (Appointment of Inspectors).

In answer to Mr. SMOLLETT,

THE LORD ADVOCATE said, it was proposed that the inspectors should make a complete educational survey of Scotland, and report upon it, from time to time, to Parliament, so as to keep up a continuous system of statistics on the subject of the state of education in Scotland. The maximum salary of the inspectors was fixed by the clause at 400*l.* a year, but it was not meant that all the inspectors should have the full amount. It was not to include their travelling and other expenses.

MR. F. SCOTT said, he could not avoid expressing his apprehension that the Bill would impose a much heavier burden of expense upon the country than was yet expected. The expense he suspected would be about 200,000*l.* a year, instead of 20,000*l.* as heretofore.

MR. CUMMING BRUCE said, he considered that the limitation of the number of inspectors to ten would be found impracticable; he believed that some thirty would be required. There were 2,600 schools connected with the Established Church alone, to which all the borough and other schools would be added.

THE LORD ADVOCATE said, it was designed that each inspector should have from 200 to 250 schools to visit. At present, he believed, there were only three inspectors in Scotland under the Privy Council. He had no objection, however, to omit the words by which the number was fixed at ten, and to leave it to Her Majesty, with the advice of the Privy Council, to appoint such inspectors as might be required.

Clause, as amended, *agreed to;* as were also Clauses 5 to 9 inclusive.

Clause 10. (Salary of parochial schoolmaster should be at least 50*l.* per annum).

SIR ARCHIBALD CAMPBELL said, he wished to move an Amendment which should discriminate between the different classes of parochial schools: In ordinary parishes, the heritors were bound to provide and maintain schools, and also assessed for the salary of the master, at a maximum of 35*l.*; but there were other schools, in districts formed by the union of parishes under the Act 43 *Geo.* III. section 11, where the salary for which the heritors were assessed amounted to 51*l.*, divided among the several schoolmasters of the district.

THE LORD ADVOCATE said, that the clause applied generally to the parochial schools, and the object was to fix the maximum and the minimum salary of the schoolmasters, which the clause as it stood did.

MR. W. WILLIAMS said, he objected to the clause because it created a charge upon the taxes: he would take the sense of the Committee against it.

MR. F. SCOTT said, he hoped that the clause would be postponed, or, at any rate, that it would be rendered intelligible.

THE LORD ADVOCATE said, the clause was perfectly intelligible. There certainly were a few exceptional cases, but it was proposed to deal with them separately.

Question put, "That the clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 216; Noes 5: Majority 211.

Clause *agreed to;* as were the remaining clauses.

House resumed; Committee report progress.

BILLS OF LADING (No. 2) BILL.

Order for Committee read; House in Committee.

Clauses 1 to 3 *agreed to.*

Clause 4. (Power to detain foreign ships for claim under Bill of Lading on Charter).

MR. BOUVERIE said, he objected to the clause, which was contrary to all the principles of the Common Law of England. There was no machinery at present in existence under which the right of attaching ships could be worked. He had received a communication from Liverpool, stating that the Liverpool Shipowners' Association were desirous that this clause should not pass, unless some better reason could be given for it than had heretofore been brought forward.

Mr. CAIRNS said, he thought that the principle of the clause had been decided upon when the Bill itself was discussed. The principle of attachment was by no means new to the law. It existed by the custom of London, of Bristol, and of Dublin, and it also prevailed throughout Liverpool. The objection of the Liverpool Association to this clause went, as he believed, only to the extent of its interference with British shipowners.

Mr. THORNELY said, he strongly objected to this clause, and indeed, to the principle of the measure generally.

Mr. HENLEY said, he thought that the clause involved consequences which its framers could hardly approve of. There was no limit to the time during which a ship might be detained, and no provision was inserted requiring the claim under which a ship was detained to be adjudicated. He thought, too, that some difficulty might arise under those treaties which bound this country to place the ships of some foreign states in the same position and under the same regulations as our own vessels.

Mr. CAIRNS said, he must admit that it was desirable that there should be some provision requiring the claims of those detaining a ship to be put in a train for adjudication. That, however, was a matter which could be arranged in the subsequent part of the Bill.

Question put, "That Clause 4 stand part of the Bill."

The Committee *divided*:—Ayes 49; Noes 66: Majority 17.

Clauses 5 to 9 *negatived*.

Clause 10 *agreed to*.

The House resumed; Bill *reported*; as amended, to be considered on *Monday* next.

The House adjourned at Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, June 25, 1855.

Minutes.] Public Bills.—1ª Railways (Ireland).
2ª Spirits (Ireland) Act Amendment.
3ª Stamp Duties Repeal on Matriculation and Degrees (Oxford); Charitable Trusts (1855); Consolidation Fund (£10,000,000); Spirit of Wine; Grants of Lands; Public Libraries and Museums (Ireland).

Their Lordships met; and having gone through the business on the Paper,
House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 25, 1855.

Minutes.] Public Bills.—1° Leases and Sales of Settled Estates; Duchy of Lancaster Lands.
2° Merchant Shipping Act Amendment; Indemnity; Stock in Trade; Haileybury College.
Reported—Victoria Government; New South Wales Government; Youthful Offenders (No.2); Christ Church (Todmorden) Marriages Validity.
3° Burial-Grounds (Scotland); Administration of Oaths Abroad.

ALLEGED VIOLATION OF THE ECCLESIASTICAL TITLES BILL.

Mr. SPOONER said, he wished to call the attention of the Attorney General to the petition of the inhabitants of the parish of Blackburn, who stated that they, being loyally attached to the constitution of England in Church and State, had been greatly aggrieved by the conduct of a certain Roman Catholic priest named Peter Kay, who illegally and arrogantly assumed the title of Vicar and Rural Dean of the Hundred of Blackburn, declaring that title to have been conferred upon him by the so-called Bishop of Blackburn, Dr. Turner. The rural deanery was legally occupied, and the gift of the vicarage belonged to the Archbishop of Canterbury; but this Peter Kay had inscribed upon his door-plate the title of "rector," which he also assumed in some printed circulars. The petitioners had sent a memorial to the Secretary of State for the Home Department, but having received no answer, they now appealed to the House of Commons for protection. He (Mr. Spooner) wished therefore to ask the right hon. Gentleman the Secretary of State whether he had taken the matter into his consideration.

Sir GEORGE GREY said, he could not express any opinion as to whether the conduct of which the petitioners complained, was or was not a violation of the Ecclesiastical Titles Act; but he need only refer them to one clause of the Act, which enabled any one of them to refer the case to the Attorney General, and with his consent to sue for the penalties; and consequently, if they thought a breach of the Act had been committed, that was the course which they ought to pursue.

OUTRAGE ON A FLAG OF TRUCE AT HANGO—QUESTION.

Captain DUNCOMBE said, he rose to ask the First Lord of the Admiralty whether any despatches had been received from Vice Admiral Dundas, stating what steps he had taken to bring this occurrence under the notice of the Russian authorities, and to prevent the recurrence of similar atrocities.

SIR CHARLES WOOD: I have great pleasure, Sir, in stating to the House, that the Admiralty have this morning received despatches from Admiral Dundas, stating the steps he had taken, and also containing the most welcome intelligence that many of the persons who were, from the account of the man who was rescued by the boat of the Cossack, supposed to have been killed, are some of them only wounded and not killed, and others are not wounded, although prisoners. Admiral Dundas states, that he wrote a letter to the governor of Helsingfors, stating what had occurred, remonstrating most strongly, and pointing out what an atrocious act it was, to fire on a boat's crew under a flag of truce. He has received an answer from the governor, excusing or justifying to a certain extent what took place, declaring that the officers and soldiers said they saw no flag of truce, and that they had been irritated by vessels on some occasions hoisting the Russian flag, and, as stated in the newspapers, under colour of a flag of truce taking soundings, elsewhere. The House will remember that about a week ago, I was asked whether I had any reason to believe that that had taken place, and I stated that no report of such a transaction had reached the Admiralty. This morning I have seen the officer who commanded the gun-boat in the bay of Kertch on the occasion when this was reported by the newspapers to have happened, and he assures me most distinctly and unequivocally that nothing of the kind was ever done. The carriage which was being restored was taken on shore by a Russian boat, under the command of a Russian officer, accompanied by one of the Viper's boats, which was all the time under the eye of the Russian officer, and no soundings were taken. He says that it was utterly unnecessary to do what was reported, becaue there was not the slightest difficulty in taking the soundings of the spot in question, either by night or day. The spot at which the carriage was to be landed was pointed out by the Russian officer, and it was taken on shore by him; therefore there can be no doubt that the report is totally without foundation. I thought it desirable that the earliest communication should be made to the public of the intelligence we have received from Admiral Dundas, and I believe the names of those who are dead, and of those who are alive, will appear in the evening papers. The result is that five seamen and the Finnish captain were killed by the fire of the Russians; four seamen and two Fins were wounded, and are prisoners; and three officers, four seamen, and two Fins were taken prisoners without being wounded. The black man who escaped in the boat is now alive and doing well on board the *Cossack.*

DISABILITIES OF MEMBERS—GOVERNMENT CONTRACTORS—QUESTION.

MR. T. DUNCOMBE said, he wished to ask the hon. and learned Attorney General whether, under the provisions of the Act 22nd *Geo.* III., c. 45, a new writ ought not to be issued for the City of London, in the room of Baron Rothschild, who had since his election entered into a contract for the public service, a copy of which had been laid before the House? In asking the question, he referred to the contract which Baron Rothschild had entered into with the Lords Commissioners of Her Majesty's Treasury, for a loan of 16,000,000*l.* He presumed that the House must be aware, that in 1782 there was a Bill passed to disable all contractors with the Crown or the Government of the day, from sitting or voting in that House. That Bill was passed to secure the freedom and independence of Parliament. Now, from the requests and representations which had been made to him, and from the legal opinions which he had received, he thought he should be justified at once in moving for a new writ for the City of London, in the room of Baron Rothschild, who had entered into this contract. But not wishing to do anything which might seem harsh or discourteous to an hon. Member of that House, he thought it right to put this question first to the Attorney General; and he should be satisfied if, in the hon. and learned Gentleman's opinion, he could state that Baron Rothschild's seat was not affected by his having entered into this loan contract with the Government.

THE ATTORNEY GENERAL: It appears to me, Sir, that the question is one which it is for the House to answer, and not for the Attorney General. If the question should come before the House in a practical shape, it will be my duty, no doubt, considering the office I fill, to state my opinion; but I do not think I ought to answer upon a speculative question, involving the right of an hon. Member to a seat in this House. If, for his own guidance, my hon. Friend wishes for my opinion, he knows that there is a certain mode by which it can be obtained.

MR. MALINS said, that after the discussion upon administrative reform, when the hon. Member for Tynemouth (Mr. Lindsay) had made his statement, the House would remember that several times in the speech of the First Lord of the Admiralty, the right hon. Gentleman did, not indirectly, but one might say almost directly, charge the hon. Member for Tynemouth with being interested in Government contracts. Now, he (Mr. Malins) thought when any Member of that House, and particularly a Minister of the Crown, rose in his place and charged another Member of that House with an infringement of such an Act of Parliament as that which had just been referred to, and which was passed to preserve the purity and independence of Parliament, that was a circumstance which ought not to be passed over by the House entirely in silence, and therefore he would now put the question to the right hon. Gentleman, whether he had any reason for making a statement amounting certainly to the belief on his part that the hon. Gentleman the Member for Tynemouth was interested in Government contracts?

SIR CHARLES WOOD: The statement I made, Sir, was this, that with reference to a particular vessel, she had been transferred to Mr. Gladstone by the hon. Gentleman (Mr. Lindsay) before she was taken up by the Government. What I did state was this, that, so far as I knew, the interest of the hon. Gentleman had been transferred; but I said that he interfered so much in the management of these vessels, that I had every reason to believe he must be perfectly cognisant of all that took place about them.

MR. T. DUNCOMBE said, he should next day, at the evening meeting of the House, endeavour to obtain the opinion of the hon. and learned Gentleman the Attorney General, without a fee—by moving that Mr. Speaker should cause to be issued a new writ for the City of London.

MR. MALINS said, he would beg to ask the right hon. Gentleman in the chair, whether the subject was a question of privilege? If it were so, he should give notice to the hon. Member for Tynemouth of his intention to bring it before the House.

MR. SPEAKER: Anything affecting the seat of a Member of this House is a question of privilege.

MR. MALINS said, that, under these circumstances, he should bring forward the Motion to-morrow, at the evening sitting.

MILITARY ASYLUM CHELSEA—QUESTION.

COLONEL NORTH said, he rose to ask the Paymaster General whether an undertaking was not given by the late Secretary at War, on behalf of the Government, that 120 soldiers' sons should be admitted into the asylum at Chelsea, and whether only fifty soldiers' sons have been admitted; and what was the cause of the delay, and on whom the blame of it was to rest. Since he last called the attention of the House to this subject he had again been to Chelsea, and although at one end of the building in course of erection, preparations were being made for putting on the roof, yet there appeared no chance of the rest of the building being roofed for a month or two, or of its being ready for occupation for five or six months.

MR. BOUVERIE said, that the only undertaking which had been given, was a statement made by the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) in the course of a debate on a Motion of the hon. Member for Pontefract (Mr. M. Milnes), that in that portion of the hospital occupied by students training to be schoolmasters in regiments, there was accommodation for 120 children, and that he proposed to make arrangements for the introduction of that number. It had turned out that only fifty children could be admitted into that part of the asylum, and a new building had therefore to be erected for the reception of the students training for schoolmasters. He understood that the roof was to be put on the building in about a fortnight, and that the building would be ready for occupation in the course of three months. Whether there had been any unnecessary delay he was not aware, but he understood that the plans had been altered once or twice, and that there had been some difficulty in procuring some of the materials.

COLONEL DUNNE said, he would beg to ask why the schoolmasters were in the asylum at all?

MR. BOUVERIE replied, that it was considered essential to their proper training, that they should learn to teach in some school, and none other was so obviously appropriate to this purpose as that of the soldiers' sons.

EXPLANATION.

MR. **FREDERICK PEEL** said, he wished to offer an explanation of a statement he had made on Friday, relative to a notice of a question given to him by the hon. Member for Chester (Mr. O. Stanley). He had on Saturday found among his papers a copy of the question in the terms in which the hon. Member stated that he had furnished it to him. He presumed that he had received the question at a time when he was engaged, had put it aside at the moment, and afterwards lost sight of it.

STATE OF PUBLIC BUSINESS.

VISCOUNT **PALMERSTON**; Sir, I rise to fulfil the promise which I made on Friday last, that I would to-day state, as far as I was able, the intentions of Her Majesty's Government with regard to the various Bills now in progress through the House. Their number is certainly very considerable, but any one who looks at them with a view to classification will see that a great proportion of those children whose fate is to be decided are the offspring of private members, and that the Bills in regard to which Government can claim the responsibility are a comparatively small proportion of the whole. It is, however, with the latter only that we can deal, for we do not presume to take upon ourselves to dispose of Bills brought in by private Members, and with regard to which, private Members being responsible, it is for them to judge how far they have a fair chance of being carried through the two Houses. Of Government measures there are thirty-three in different stages of progress, independent of Continuance Bills and Bills which have been sent down from the House of Lords. I should only occupy the time of the House unnecessarily by reading through a list of them. Some are measures of comparatively small interest, and cannot give rise to much discussion, and there are others of considerable importance which I think it will be essential to pass, whatever discussion may take place upon them. Among these I may mention the Bills relating to limited liability and partnership, those of my right hon. Friend the President of the Board of Health with regard to the government of the metropolis, the removal of nuisances, and the preservation of the public health, and, of course, the Bill which provides for transferring the property in the Ordnance lands from that Board, which has now ceased to exist, and vesting it in the Secretary for the War Department. These measures are essential, and we must of course endeavour to pass them. It would be better, perhaps, now to mention those which we think it would not be desirable to press on the attention of the House during the present Session. First, there is the Jurors and Juries (Ireland) Bill, which now stands for a second reading, but which my right hon. Friend the Secretary for Ireland thinks may stand over till another Session. On the same principle the Grand Jury Assessments (Ireland) Bill will not be pressed during the present Session. It is generally understood that all the Bills connected with the subject of education, which stand for a second reading, will, if the House should agree to read them a second time, be referred to a Select Committee, not with a view of being passed this Session, but of obtaining the opinion of the Committee with regard to their individual and aggregate merits. These Bills, including that of the right hon. Baronet (Sir J. Pakington) and that of the right hon. Member for Manchester (Mr. M. Gibson), would not, of course, be pressed further than a second reading, with a view of being referred to a Select Committee. Next comes the Testamentary Jurisdiction Bill. It is clearly understood, and it was stated by the Lord Chancellor in the other House, that this Bill should be coupled with a Bill for the Amendment of Church discipline. Various circumstances have hitherto prevented the Government from presenting to Parliament a sufficiently satisfactory Bill upon the latter subject; and, at this advanced period of the Session it is hopeless to suppose that the two Bills would receive sufficient discussion to justify their being passed into law. We therefore do not mean to press the Testamentary Jurisdiction Bill. Then there is the Court of Session (Scotland) Bill, which, although it has reached a very advanced stage, we know has given rise to very considerable differences of opinion, and, in deference to those differences of opinion, it is our intention not to press this Bill in the present Session. So much for the Government Bills in different stages of progress. The Continuance Bills mostly relate to matters of temporary importance;

but there is one for the continuation of Metropolitan Commissions of Sewers, which of course, would drop if the Bill of my right hon. Friend the President of the Board of Health should pass, as I hope it will, for the present Commission of Sewers would then be superseded, and the Continuance Bill be rendered unnecessary. Then there are seven Bills from the House of Lords, which I hope the House will seriously consider and dispose of. These Bills, therefore, we shall not withdraw. Then there are thirty-five Bills of private Members, among which, however, is one which, although brought in by a private Member, the Government have undertaken to support—that is, the Landlord and Tenant (Ireland) Bill. That Bill is, I hope, in such a condition that the House will be disposed to pass it with such Amendments and improvements as may be suggested. That, so far as I can at present state, is the view which Her Majesty's Government take of the business before the House. I hope there is yet sufficient time this Session to carry into law those Bills which I have mentioned. At the same time I must say that at this period of the Session, and considering the importance of the Government measures under consideration, it is utterly impossible to yield to the applications which are sometimes made by private Members to the Government to give up Government days for the purpose of considering their Bills; and, therefore, those Gentlemen who have Bills before the House must take their chance and proceed with their Bills in the ordinary course.

MR. DISRAELI said, that when he made an inquiry of the noble Lord on this subject, the noble Lord conveyed in his answer that he had made an unnecessary request for this information, and that the House were indebted to the labours of private Members for the pressure of business. The noble Lord had repeated the statement to-night, that the Orders of the Day and the Bills in progress were chiefly those of private Members, to whom were to be attributed so many calls upon the labours and exertions of the House. But he did not find that the noble Lord was justified either in the tone he had adopted the other night, or in the observations he had just made. Of Bills not yet read a second time there were twenty-eight Government Bills and seventeen Bills of private Members; of Bills in Committee there were twenty-two Government Bills and twelve Bills of private Members; of Bills, as amended, to be considered, there were four Bills of private Members, and no Government Bills; of Bills not yet read a second time there were three on each side. There were, therefore, fifty-three Government Bills upon the paper, while there were only thirty-six Bills of private Members, making in all eighty-nine Bills for the House to discuss. Since he had called attention to this subject there were more Orders of the Day put down, so that, instead of seventy-six, there were now eighty-nine to which must be added the two adjourned debates now upon the paper. If the noble Lord deducted the Continuance Bills, that would not give a majority to the labours of private Members. He should like to know whether the Government intended to proceed with the Roman Catholic Chapels Bill? [Viscount PALMERSTON: "That is a Lord's Bill."] The noble Lord would of course proceed with all the other Government Bills in Committee, of which there were twenty-two. The noble Lord had given up one of the Bills now fixed for a third reading, but as time was so precious, it was to be regretted that this Bill had been proceeded with. He merely rose to show that, when there were seventy-six Orders of the Day, he had made no unreasonable appeal to the Government to say how they intended to deal with them.

MR. HADFIELD said, he meant to take the sense of the House on his Motion, which was on the paper, that the debate on the second reading of the Education (No. 2) Bill be further adjourned until that day three months.

LORD ROBERT CECIL said, the noble Lord said he would not give a Government day to any private Member. Did he intend to give a Government day to the Education Bill of the right hon. Gentleman the Member for Droitwich (Sir J. Pakington), that being the Bill of a private Member? He (Lord R. Cecil) protested against a subject of that importance being referred to a Select Committee.

MR. IRTON said, that seeing the strong feeling which existed on the subject, he thought that it would be best to withdraw the Bills.

VISCOUNT PALMERSTON said, the noble Lord (Lord R. Cecil) had asked whether a Government day would be given to the Education Bills. The noble Lord forgot that one of those measures on which the others depended, was first introduced by his (Lord Palmerston's) noble Friend the Secretary of State for the Colonies.

TURKISH LOAN—QUESTION.

Mr. J. L. RICARDO said, there was a report that the Government intended to give a guarantee for a Turkish loan. He wished to know whether this was the intention of the Government, and whether the noble Lord intended to bring the matter before the House?

Viscount PALMERSTON: I can only say that when the Government have a communication to make on a matter of this sort they will make it. But it is not the habit of the Government to give prospective answers to questions as to their intentions on matters upon which no intentions have been formed.

Mr. MILNER GIBSON said, he hoped that the House would have ample notice if the practice of subsidising were to be revived.

SUNDAY TRADING BILL—QUESTION.

Mr. OTWAY said, he wished to know whether the noble Lord at the head of the Government intended to take any measures to induce the noble Lord the Member for Middlesex to withdraw the Sunday Trading Bill. [General cheering.]

Viscount PALMERSTON: If my noble Friend hears that cheer I think he will be disposed to attend to it.

EDUCATION BILL.

Sir JOHN PAKINGTON said, he had understood that the noble Lord (Lord J. Russell) would make an arrangement to take the adjourned debate on the second reading of his Education Bill on Friday, July 6, but he found the Order of the Day fixed for that evening.

Sir GEORGE GREY said, it was found that hon. Members objected to the postponement of the order, and it was therefore put down for this evening.

Lord SEYMOUR said, he wished to know whether the Government meant that the House was to agree to the principle of these different Bills? Were they to agree to the principle that religion was to be made a part of education, and then agree to the principle of the Bill that excluded religion? Was the House to stultify itself by agreeing to the opposite principles of these opposed Bills? Considering the state of the Session and the feeling of the House, the noble Lord would do well not to keep these Orders any longer upon the paper.

Mr. HENLEY said, he wished to know if the noble Lord at the head of the Government meant the House to understand that he proposed to give up Government nights enough for the debates on these three Bills? Not one of the Bills had been read a second time yet, and he could promise the noble Lord a debate of no inconsiderable length on each Bill. When the question of reading those Bills a second time came before the House he should have to offer some observations on each of them, though he might not trespass at such length upon the House as on a recent occasion. He put it, then, seriously to the noble Lord whether he could expect to carry out the arrangement he had indicated? He thought it undesirable to pledge the House to the contradictory principles of these Bills, if they did not mean to go any further. He understood the noble Lord to say that as one was a Government Bill, he proposed to carry on the debates on the three Bills upon Government nights, and he wished to ask the noble Lord if he thought it possible to give as many Government nights at this late period of the Session as would be required by that arrangement?

Viscount PALMERSTON said, that they were entering upon a discussion of the principle of these Bills, which had better be deferred until the question was regularly before the House.

VICTORIA GOVERNMENT BILL.

Order for Committee read.

House in Committee.

Clauses 1 and 2 *agreed to.*

Clause 3. (Provisions of former Acts respecting the allowance and disallowance of Bills preserved.)

Mr. ADDERLEY said, he should move that the clause be omitted. He did so, because he had given notice of moving the insertion of a paragraph in Schedule one which was directly opposed to the clause. The purport of his Amendment was, that any Bill which had passed the Council and Assembly should be presented to the Governor of the colony in the first instance, who would have the power to declare his assent thereto, and, in case of his giving his assent, the Bill should be final. But, in the event of his withholding his assent, or reserving the Bill for the signification of Her Majesty's pleasure thereon, then such Bill should not have any force or authority in the colony unless Her Majesty's assent should be signified within eighteen months after the passing of the Bill. When all the stages of legislation by the colony which were recognised by the British constitution were gone through and the Bill was so far complete, it appeared to him that it ought not to be subject, after several months had elapsed, to a second revision by the Crown. Such, however, was the law as it now stood, and this third clause provided for the preservation of that law. All persons with whom he had conferred were of opinion that it would be advisable to remedy this defect, which he should seek to do at a future stage by proposing the insertion of the paragraph of which he had already given notice. The noble Lord the Secretary for the Colonies had told the colonists that this was a theoretical and not a practical grievance; but he (Mr. Adderley) would tell the noble Lord that the colonists regarded it not merely as a theoretical, but a real practical grievance. He would mention an instance as illustrating the complaints made by the colonists. In New Zealand a Bill had been passed for the erection of a lighthouse in Cook's Straits; and during the interval of sending that Bill home to England for the approbation of the Crown, and of its returning to the colony several shipwrecks had occurred for want of that light. Suppose the noble Lord, for himself and his successors, could guarantee that the right of interference on the part of the Crown with the Colonial Legislature should never be exercised, even the existence of such a right would without doubt paralyze the energies of the colonists. He claimed, therefore, on the part of the colonies, that the power should be expunged from the Bill, and the other objects of the clause would be provided for by the paragraph he proposed to submit to the House at a later stage. He did not attempt to draw a distinction between local and Imperial subjects, but he thought the power of confirming or non-confirming should be left to the Governors of the colonies, who, if they were fit for their posts, must surely be able to exercise a just and proper discretion on such matters. He, therefore, moved that the clause be omitted.

Lord JOHN RUSSELL said, that he had already on a former occasion stated that there would be great difficulty in making a distinction between Imperial and local legislation for the colonies, and he owned that he could not, notwithstanding the high authority of his right hon. Friend at the head of the Board of Works, see the force of the discrimination which he had at one time attempted to draw. He thought, too, that even if we were to make such a distinction it would be more hurtful than beneficial to the colonies. The hon. Member for North Staffordshire (Mr. Adderley) had said that there were many cases which appeared to be of an Imperial nature, but upon which local legislation had acted very beneficially. He instanced the case of the "Canada rebellion claims;" but if the House were to adopt the suggestion, and make the distinction which had been laid down, it would still be necessary that the Governor of the colony should send home the Bills in order to receive the sanction from Government. But on the other hand there might be cases which would trench so much upon the prerogative of the Crown as to be inconsistent with our legislation, which would be a serious evil if left in the hands of the colony without any supervision from the Home Government. To avoid the difficulty of discrimination, the plan proposed by the hon. Member involved even a still greater difficulty, as he proposed to take away all distinctions whatever between local and imperial subjects, and leave it entirely to the discretion of the Governor to agree to any Bill which he might think fit. Now he begged to say he was not disposed to place such unlimited confidence in the Governors of our colonies as that which the hon. Member proposed to place in them. It might often happen that, with the best intentions and with the soundest judgment, the Governor of a colony might find popular opinion so strong, that he would be unable to resist giving his assent to any Bill which might be brought before him. Now, with respect to the grievance alleged to be connected with the present plan he found that only four Bills of the New South Wales Legislature had been disallowed by the Government at home since 1850, none of which were measures of any vital importance. As an instance of the evil which might result from the plan of the hon. Member for North Staffordshire, suppose it were proposed by the colony to place Her Majesty's forces in the colony under the command of some local authority, it would certainly be very inconvenient if the Governor should be induced to give his consent to such a measure, as by giving his consent it would immediately become law. From all he had heard from persons with whom he had had any communication, he did not think any strong feeling existed in the colonies on the subject, and he hoped the Committee would agree to the clause, and not take away from the Crown the exercise of that prerogative which he considered to be exceedingly useful in the Government of the colonies.

Mr. LOWE said, he had no doubt the Gentlemen with whom the noble Lord had been in conference were ready enough to surrender this particular point of the liberties of the colonists in consideration of the great advantages they were themselves to receive. He thought that the noble Lord ought not to allow himself to be influenced by any statements which had been made to him on this subject, as, from all he (Mr. Lowe) knew of the parties who had made these representations, he did not consider their opinion such as could be acted upon beneficially by the Government at home. The noble Lord's observations showed a remnant of that wretched spirit which first granted the power of local Government to the colonists, and then would not resolve to treat them as possessing that power, but instead set up all kinds of checks and counter-checks which prevented the colonists from using the power at all. The state of the law which the noble Lord proposed to perpetuate was this:—When a Bill was brought before the local Legislature the Governor might either refuse his assent, grant it, or reserve the Bill for Her Majesty's assent. Nobody objected to the power possessed by the Governor of vetoing a Bill, or to his reserving it, if he thought the subject was not a fit one for the consideration of the colonial Legislature; but the practical grievance complained of, and which was very great, was that, after the Governor had given his assent to the Bill, the Home authorities should have the power of negativing it. In fact, the Government reserved to itself two alternatives, while the colonial Legislature had only one. What was the consequence? Why, that certain Bills became the law of the colonies, and people acted under that law, and lent money upon the security that the law, after being assented to by the Governor, would receive the assent of the Home Government; but, when the Bill reached this country, the sanction was refused, and it ceased to be law all at once. The noble Lord said that only four Bills of the New South Wales Legislature had been disavowed since 1850, but the principle was the same as if all had been disavowed, for people did not know what law might not be revoked, and consequently they did not know whether to act upon it or not. He recollected one case in which 180,000*l.* had been advanced upon mortgages, but, in consequence of a particular Bill being disavowed, the securities became worthless. The noble Lord said the Bills disavowed were of minor importance. He disagreed with him, for one was the Vagrant Act. The Australian colonists were much aggrieved by convicts coming from Van Diemen's Land and representing themselves as free emigrants, and getting into places of trust and confidence in consequence. Many of those men were of the worst class of offenders, and had been twice or thrice convicted, but when the colonial Legislature passed a Bill requiring that such persons should be registered, Lord Grey not only vetoed the Bill but cited it in the House of Lords as an instance of the extraordinary folly of the colonial Legislature in interfering with the Royal prerogative. He would ask the noble Lord himself, or any one connected with the Colonial Office, whether that question had not since assumed such serious dimensions that they would be glad to return to the state of things which existed when that Bill was vetoed, or if they had accepted it as a sort of compromise? No doubt there might be cases of Imperial concern, affecting the prerogative of the Crown and the privileges of that House, which it was the duty of the Governor to reserve, but he could not assent to the doctrine that a person sent out with the confidence of Her Majesty could not exercise his duty without being subject to have his assent overruled in the Colonial Office. Even if he made a mistake it might be remedied, because a colonial Act might be repealed by Parliament, but if the Imperial Legislature did the mischief, it was irremediable by the colonial Government. For these reasons he would give his support to the Motion of his hon. Friend the Member for North Staffordshire for the omission of the clause.

Sir JOHN PAKINGTON said, that he considered that a great deal of the weight which would naturally attach to what fell from the hon. Member for Kidderminster, in consequence of his great experience in the Australian colonies, was a good deal lessened by the personal feelings and recollections which appeared constantly to influence the remarks which he addressed to the House on the subject of colonial matters. The hon. Member had thought it right to tell the noble Lord (Lord J. Russell) not to attach importance to statements which had been made to him by Gentlemen who were connected with the Bill. He (Sir J. Pakington) thought it right that the Committee should understand who those parties were to whom the hon. Gentleman had referred. He had referred to a body of gentlemen intimately connected with the Australian colonies, and who in consequence of that connection had associated themselves together to attend to Australian interests, more particularly to the progress of this Bill now before Parliament. These gentlemen were in number between seventy and eighty; they were intimately connected with the colony; several of them were members of the colonial Legislative Council; and all were proprietors to the amount of several millions of property in the colony, gentlemen of the highest respectability, and who had taken great interest in the passing of the Bill through the colonial Legislature. They were all aware that the hon. Member for Kidderminster had great experience in New South Wales, but he very much doubted if he could adduce the opinion of any other gentleman now in this country who had been interested in this colony, which would be entitled to so much weight as that of the large body of gentlemen to whom he had referred. His hon. Friend behind him (Mr. Adderley) wished, on the part of the colonies, to discover some mode of discriminating between matters of colonial interest and Imperial importance. Now, in a despatch alluded to on a former occasion, he had expressed an opinion that the Government with which he was connected would be perfectly willing to recognise such a distinction if it could be discovered, and at the same time he expressed his sense of the difficulty of drawing such a measure. He agreed with Earl Grey in the opinion which his Lordship had expressed in a despatch in 1852, that it would be inexpedient to place this power in the hands of Governors of colonies, because, if it were done, they might at times be exposed to a degree of pressure from the local authorities which would place them in a very difficult position. He had given the best consideration to the proposal of his hon. Friend, and, though he admitted that it was one mode of solving the question, and that it was well worthy of consideration, yet he submitted that it would not be prudent to press it to a division, since it did not meet with the approval of the advisers of the Crown upon a question which directly affected the prerogative of the Crown.

Mr. LOWE said, he must deny that he had said anything against the character of the gentlemen who had formed the deputation that had waited upon the noble Lord (Lord J. Russell). He did not deny they were wealthy; on the contrary, it was because they were wealthy, and possessed of such enormous property in land of a particular description, that their opinions were not entitled to that weight which the right hon. Baronet appeared to attach to them.

Mr. W. WILLIAMS said, he thought it had been incorrectly stated that by this Bill the prerogative of the Crown would be affected. That, however, was not the object of the Bill. It was not the prerogative of the Crown which was concerned, but it was the power of Her Majesty's Ministers to do certain acts, upon many of which, in all probability, the Crown was never consulted, and probably knew nothing whatever about it. We had already gone too far in the matter of interfering with the Government of our colonies. It was now high time to allow our colonial Legislatures full exercise of the rights which belonged to them. He should support the Amendment of the hon. Member for North Staffordshire.

Mr. F. SCOTT said, there was no doubt some difficulty existed in consequence of the present system of the Governor giving his assent to local Bills, which were afterwards disallowed at home; but these difficulties were rapidly diminishing in proportion to the increased celerity of communication which was now taking place between this country and the Colonies. He did not believe that there was any really practical and substantial grievance existing which the proposed Amendment was calculated to remedy. The cases in which the Crown exercised its veto were of exceedingly rare occurrence; still the veto of the Crown was an absolute right, and he agreed with the right hon. Member for Droitwich that they would place the Governor in a very difficult and invidious position by investing him with this power.

Mr. ADDERLEY said, he felt bound to press his Amendment to a division.

Mr. J. BALL said, that the hon. Member for Kidderminster (Mr. Lowe) had stated his case as if acts done between the period of a measure of the colonial Legislature receiving the assent of the Governor and of its being vetoed by the Crown were *ipso facto* invalidated; but the hon. Gentleman was too good a lawyer not to know that all such Acts were good and binding in law. There were many cases which might arise in which it would be greatly for the interest of the colony that the Acts of the colonial Legislature should be revised by the Home Goverment. If the Amendment of the hon. Gentleman (Mr. Adderley) were agreed to he did not see how responsible Government could be carried on, and he hoped, therefore, that the Committee would not sanction it.

Mr. LOWE said, he wished to state that the hon. Gentleman the Under Secretary for the Colonies had paid him a compliment which he did not deserve, for it was his opinion—and it was an opinion entertained by the best lawyers in the colony—that the veto of the Crown invalidated all acts done during the time between the Governor's assent and the veto of the Crown; and, in point of fact, the colonists had had recourse to various expedients, such as passing an Emergency Act, to remedy that evil.

Motion made, and Question put, "That Clause 3 stand part of the Bill."

The Committee *divided*:—Ayes 110; Noes 38: Majority 72.

Clause *agreed to*.

Clause 4. (Power to repeal and alter the provisions of the reserved Bill.

Mr. MIALL said, he would move to leave out the words from "Colony" to the end of the clause. As far as could be collected, this Amendment was meant to negative the provisions in the Bill relating to public worship in the colony. He objected on principle to any payment out of the funds of the colony for the purpose proposed. The money was to be distributed among ministers of various denominations. This was a seeming homage to the justice of the case, but in point of fact the provision itself was not founded in justice, for it only embraced Christians, and not Jews. Besides, there were three or four denominations in the colony who absolutely repudiated all grants for religious purposes, and of course would refuse to participate in them. As the matter at present stood, it would be necessary for the colonial Legislature to have an absolute majority of both Houses upon the clauses and schedule of the Bill; he would therefore move the omission from the clause of the words which imposed this condition.

Lord JOHN RUSSELL said, that the colonial Legislature said there were certain things with regard to their constitution and civil list which they wished should be only altered by an absolute majority. Now, they would have by this clause the power of taking away that restriction altogether, but he could not see that any objection could be raised if the Legislature thought it desirable that matters of this importance should only be altered by an absolute majority, and not towards the end of a Session when, perhaps, Members were returning to their homes, and a very small number might carry such alterations. He was now only contending that the colonial Legislature should manage matters in their own way.

Mr. LOWE said, it seemed to him that what the noble Lord was contending for was not that the colonial Legislature should manage matters in their own way, but that the present body should fetter the action of all future Legislatures, and prescribe to them the conditions on which they should exercise the power intrusted to them. It was a matter of practical experience that in the case of Canada, the most extreme difficulty was found in getting together the absolute majority required. They had to hunt up the Legislative Council there from every quarter, and were obliged to pass the Bill through two or three stages in a single day, in order to accommodate one old gentleman who wished to get away but whose presence was necessary to make up the number required. If this condition of an absolute majority were the constitution of the colony, it might be very well to leave it alone; but why should this Legislature, improvident and unsatisfactory as it had proved itself, be empowered to tie the hands of all future Legislatures in this way.

Mr. HADFIELD said, he should support the Amendment, the object of which was to get rid of an obnoxious clause in the Bill, by which 50,000*l*. a year was to be levied in the colony for religious purposes. There was the strongest feeling in the colony against this grant; and nothing would go further to sow the seeds of religious discord among the inhabitants. Dr. Perry, the bishop, stated that the objection to the grant was public, unanimous, and entire. The bishop himself was opposed to it, as were the whole of the Dissenters. He believed the measure was carried solely by the influence of the nominee Members of the Council. He was of opinion that the religious necessities of the colony would be amply provided for on the voluntary principle. Every persuasion was ready to maintain its own form of worship; and a petition signed by 13,000 persons had been presented against the grant. The English Independents of Victoria had contributed 24,000*l.* for the support of their religious institutions; the Free Church had raised 9,000*l.*; the United Presbyterians, 8,000*l.*; the Baptists, 7,500*l.*; the Wesleyan Association, 2,000*l.*; the Primitive Methodists, 1,000*l.*; the Wesleyan Methodists, 6,000*l.* Where there was such a general disposition in favour of voluntary effort nothing could goad and vex the people more than to saddle them with a compulsory grant. He implored the Committee not to fetter the colony in this way, but to give it a chance of doing what was right. The time was coming, if it had not come already, when the only influence we could exercise over those countries would be one of opinion. Let us seek not to impair this, for we might, should reverses overtake this country, have to look for succour to those distant colonies, as an aged parent relied for support on his children.

Sir JOHN PAKINGTON said, that, although he objected to the clause altogether, he could not vote against this part of it, for he considered the provision made for religion a valuable part of the measure. He could not concur in the view which hon. Gentlemen opposite took of this question, though he quite agreed with them in thinking the colonial Legislature had displayed a very liberal spirit in passing this Bill, but in no part of their proceedings had they done themselves greater honour than by making this handsome provision for the maintenance of divine worship in the colony. He should presently move the omission of the clause altogether, but upon entirely different grounds to those stated by the supporters of this Amendment.

Lord JOHN RUSSELL said, he thought the hon. Member for Sheffield (Mr. Hadfield) had totally misapprehended the facts when he said that the colonists were altogether opposed to the grant for religious purposes, and that the measure was carried by the influence of the nominee Members of the Council. The fact was, that on the first division the numbers were twenty-nine to ten, and afterwards, upon the Vote of 50,000*l.* in the schedule, the numbers were twenty-five to four. If the colonial Legislature chose to vote a large sum for the purposes of religious worship, he saw no objection to such an application of their revenues; but if they thought fit at any future time to withdraw that grant, it would be in their power to do so. He certainly did not agree either with the hon. Member for Sheffield (Mr. Hadfield) or the hon. Member for Rochdale (Mr. Miall) in thinking that a grant for religious worship was in itself so objectionable that the colonial Legislature should be debarred from making it.

Mr. APSLEY PELLATT said, the question was whether the future action of the colonial Legislature should be circumscribed. The Legislative Council was to consist of one-third nominees, and he would put it to the Committee whether, that being the case, the real feelings of the colonists could be represented? They would have no power of rescinding this Vote of 50,000*l.* without sending the Bill here, which he thought was an unnecessary difficulty thrown in their way.

Mr. MIALL said, the noble Lord stated that the colonists must be in favour of the grant for religious worship, because they voted three to one in favour of it. That was the strongest argument in favour of his Amendment, because all he wanted was to leave the colonists free action in the matter; and if they were so decidedly in favour of the grant, as the noble Lord supposed, they would no doubt affirm it.

Mr. F. SCOTT said, that by this Bill both branches of the Legislature were to be elective. The argument of the hon. Member for Southwark (Mr. A. Pellatt), therefore, did not apply to this Bill, whatever application it might have when the New South Wales Bill was before the House.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 65; Noes 40: Majority 25.

On the Question, "That Clause 4 stand part of the Bill,"

Sir JOHN PAKINGTON said, he would now move to omit the clause altogether. He hoped that the noble Lord (Lord John Russell) would reconsider the wording of this clause, which in its effect would be an interference with the desire of the colonists themselves. That was a proceeding which he considered to be wholly unnecessary and impolitic on the part of the Imperial Parliament. This clause, as it was worded, he contended, would, if adopted, be an interference on the part of the Imperial Parliament to nullify a measure adopted by the colonial Legislature. In the Victoria and New South Wales Acts the colonists had very wisely and properly adopted certain securities, so as to guard against any hasty alteration or repeal of those Constitutional Acts. The clause which the Government had introduced into this Bill no doubt respects those conditions, but what he particularly objected to was the following words in the clause—"unless the said conditions shall be repealed or altered by the authority of the said Legislature." He contended, by the introduction of those words, that the Government were in effect doing away with those securities. The noble Lord, in reply to the hon. Member for Rochdale (Mr. Miall), said he was unwilling to remove the restrictions which the colonists adopted. Now, he (Sir J. Pakington) asserted that this clause did remove those restrictions. It seemed to him that, by the introduction of this clause, they would enable a bare majority in the colonial Legislature to repeal the conditions set forth in the 61st clause, thereby doing away with the restrictions themselves. The hon. Under Secretary for the Colonies deprecated that House setting itself up against the decision of the local Legislature. He (Sir J. Pakington) should like to know what the meaning of this clause was, but that that House was setting itself up against the decision of the local Legislature? In respect to its bearing upon the civil list, he would remark that, if the civil list be found burdensome to the colony, if it be objected to by the colony, or if any portion of the constitution be objected to, he thought that in a freely-elected Legislature, such as this would be, there would be no difficulty in obtaining the majority which this Bill required. As for the example of the United States, which had been referred to, it should be recollected that the United States very wisely required an absolute majority of three-fourths, with the view of guarding against any precipitate alteration of their constitution. He would appeal to those who were anxious to get rid of the securities enacted in this measure to say whether they had ever heard any expression of opinion in the Colonies in support of such a view? He was most confident that in Victoria nothing of the kind had been heard. No portion of that colony had ever expressed a desire to alter this or any other part of the constitution. On the contrary, in the Address from the Legislative Council of Victoria, which was received here in February, the strongest expressions were used to urge the Home Government as soon as possible to pass this Bill, which had passed the colonial Legislature by decisive majorities, and which had given general satisfaction to the colonists; and there were no grounds whatever for supposing that any alterations in it were desired by the colonists themselves. He therefore could not think upon what grounds the noble Lord thought it necessary to establish a dangerous precedent by calling on the Imperial Parliament to reverse the decision of the colonists in a matter interesting only to themselves, and in respect to which the opinion of their representatives had been strongly expressed. The Committee would be acting most inconsistently in adopting this clause, inasmuch as it was generally admitted that the Colonies should have the privilege of dealing with their own local affairs. Well, this colony had done so; by the desire of the Home Government they had enacted a constitution for themselves. It was sent home, and now when it came before them certain hon. Members find a particular clause which did not suit their own views, and, forgetting all their former arguments, they endeavour to induce the Imperial Legislature to reverse and to do away with that which had been adopted by the will of the colonial Legislature.

Mr. J. BALL said, he must contend that the clause was essential, in order to carry out the principle which was recognised by the right hon. Baronet himself. The object of the clause was simply to remove any doubt as to the limits of the constitution of the colony. This clause was absolutely necessary to give life and operation to the 61st clause. The clause would not have the effect of superseding the will of the colony; it would only clear up a question arising from Clause 61, which otherwise would be left obscure. There was no desire on the part of the Government to interfere with the wishes of the colonists; and it was only intended by the present clause to remove any doubt which might arise as to the limit of the power of the colonial Legislature, and, by making this clear, to avoid any discussions which might otherwise arise upon this point.

Mr. F. SCOTT said, that in such a case as this he considered that it would be better to have a disabling instead of an enabling provision. The colonial Legislature had expressed but one opinion upon this subject, and that was that they did understand their own mind, and wished the Imperial Parliament not to interfere with their desires. The Government were bringing forward a measure which was calculated to give rise to that which they wished to prevent—namely, a collision between the colonial Legislature and the Imperial Parliament.

The SOLICITOR GENERAL said, it was his opinion that the right hon. Baronet the Member for Droitwitch (Sir J. Pakington) was under some misapprehension in regard to the legal effect of this clause. The right hon. Gentleman seemed to think that the 61st section would bind the future colonial Legislature. But that was not so. The 61st section was a mere *brutum fulmen* as against any subsequent act of the colonial Legislature. There was nothing whatever in the section that would prohibit anything subsequently introduced into the colonial Legislature to repeal its provisions. The fourth clause, however, gave a certain operation to the 61st section, without which it would have no operation at all. The stringency of the words was no doubt relaxed by the words that follow, namely, "until" and "unless," but not until the Royal assent had been given could any alterations be considered. The effect of the 4th clause was to convey to the Legislature the power, at a future time, of making alterations in the provisions of the constitution; but the Legislature would be under the necessity, first, of passing a separate and an independent Bill, repealing the prohibition contained in the 61st section; and after that Bill had received the assent of the Crown, then, and not until then, would it be able to address itself to the question of the alterations. The binding effect of that prohibition was the simple result of the 4th clause now under consideration, without which clause the 61st section in the colonial Bill would be utterly useless for the purpose of prohibiting a simple proceeding by the colonial Legislature of this nature, namely, a Bill being brought in, the first clause of which might contain the prohibition of the 61st section, and the second clause of which might propose alterations and amendments in the constitution, as established by this Bill. He would, therefore, earnestly advise the right hon. Baronet, even for the purpose which he himself had in view, to withdraw his Motion altogether, and leave the matter as it stood.

Sir JOHN PAKINGTON said, that not being a lawyer he would not presume to question the soundness of the opinion expressed by the hon. and learned Gentleman; but he certainly should have thought, as the object of the Bill was to enable the Crown to give its consent to the colonial Bill, that when the Crown had given its consent to the colonial Bill, that 61st clause would be binding on the colony. He was sorry to say that the explanation of the hon. and learned Gentleman did not remove his objection, and it seemed to him that if words were necessary in order to remove doubts with regard to the validity and real meaning of the 61st section, the words so added by the Government ought to have been added in accordance with the wishes of the colonists, and as to what those wishes were there could be no doubt. They desired that which the noble Lord the Colonial Secretary himself had recognised on a former evening as a wise and prudent provision, namely, that there should be no light and hasty tampering with a constitution which had once been adopted. If, therefore, explanatory words were necessary to give validity to that wish, and to the 61st clause, why did not the Government add words to this effect—that a bare majority should not reverse the conditions, and that those conditions should not be reversed except by a majority which was equal to that by which the colonists demanded any change in the constitution.

Mr. LOWE said, that the Bill, as it now stood, seemed to give the colonial Legislature the power of which his hon. and learned Friend the Solicitor General wished to deprive them; but the matter appeared at present to be involved in great confusion. The right hon. Baronet (Sir J. Pakington) taunted them with inconsistency in not carrying out the will of the colonists; but this was not a question of the will of the colonists. They must distinguish between the colonists and the colonial Legislature; and it was ridiculous to suppose that the colonists would wish to put voluntary fetters upon their own powers.

Mr. MOWBRAY said, he would suggest that if the Government would not consent to the whole provision being struck out, and it was necessary to give effect to this 61st section, that the majority should be an absolute majority of the colonial Legislature.

Lord JOHN RUSSELL said, he

thought the clause carried out the intentions of the colonists as far as they had been expressed. If they agreed to the right hon. Baronet's proposal, they would be going beyond what had been done by the colony, because, supposing the 61st clause remained alone, the future Legislature of the colony would have power to repeal that clause. He did not think it would be wise, after certain restrictions had been enacted by the local Legislature, to carry those restrictions further than they had been carried by the colony.

SIR JOHN PAKINGTON said, he would not press his Amendment; but he wished to have some further explanation as to the necessity for two Acts of the colonial Legislature.

THE SOLICITOR GENERAL said, he thought it was necessary for the Legislature to have two separate legislative measures, and that the first, enabling them to proceed to the consideration of the second, must receive the Royal assent before they can proceed to consider the second. The prohibition must be rescinded before the consideration of the alterations could be entered upon; and that appeared to be the intent of the language and the effect of the Bill.

MR. F. SCOTT said, he feared the clause would place the colonial Legislature in a position of greater ambiguity than they were now.

Clause *agreed to;* as were also Clauses 5 and 6, being the remaining clauses of the Bill.

The Preamble having been postponed, the Committee proceeded to consider the various clauses in the "Scheduled Bill," appended thereto, being the measure sent home from the colony.

Clauses 1 to 43 inclusive, were *agreed to.*

Clause 44 (Boundaries of the Colonies).

MR. LOWE said, he must beg the attention of the Committee, even at that late stage, to the provision which they were now asked to sanction. By this 44th section the Legislature of the colony of Victoria enacted that if the Legislative Houses of the colonies of New South Wales, Van Diemen's Land, or South Australia should hereafter petition Her Majesty to alter their boundaries, it should be lawful for Her Majesty, by any order to be made with the advice of Her Privy Council, to comply with such petition. Now, how could it enter into the mind of any man to conceive that the Legislature of Victoria could have power to pass such an enactment as this? Could it be maintained for an instant that that clause was valid; and, if it was not so, why should it be retained in the Bill?

LORD JOHN RUSSELL said, he would admit that the clause appeared to be very defective; but, nevertheless, he was not prepared to expunge it.

Clause *agreed to;* as were also Clauses 45 and 46.

Clause 47 (112,750*l.*, out of the consolidated revenue voted as the civil list of the colony).

MR. MIALL said, he should move, as an Amendment, that the figures "112,750*l.*" be omitted, and "62,750*l.*" be inserted. His object was to render the section more in accordance with the wishes of the majority of the colonists, who were entirely opposed to the indiscriminate endowment of all religious denominations. Religious grants were highly objectionable in principle; and he, therefore, wished to expunge the vote for public worship contained in schedule D, part 8 (50,000*l.*)

Amendment proposed, in line 3, to leave out the words "one hundred and twelve thousand seven hundred and fifty pounds, and insert the words sixty-two thousand seven hundred and fifty pounds."

MR. J. BALL said, he did not consider the amount excessive, regard being had to the value of money in the colony, and the fact that the revenue of the colony exceeded 3,000,000*l.* The matter was, however, peculiarly one that ought to be left to the Colonies to decide. Some persons supposed that this sum was voted for the Church of England in the colony; but that was not the fact, the Legislature having voted a certain sum for public worship, which was to be apportioned among the different religious denominations.

MR. HADFIELD said, he should support the Amendment, believing that the people of Victoria were really opposed to this grant.

LORD JOHN RUSSELL said, the question of religious endowment in the colony as a principle was not involved in this vote; if it had been, the hon. Gentleman would be quite justified in his opposition to it. What the hon. Member said was, that he was so persuaded of the superiority of the voluntary principle, that he would not allow the colonists to have any opinion on the matter. He said, he had no objection to their voting this sum at any future time, but he would not admit that they now represented the colonists. He (Lord J. Russell) had heard of the tyranny of the Colonial Office, but never before had he heard of such tyranny as was involved in this Amendment. The effect of the hon. Member's proposition was to take away money which had already been voted by the colony, on the ground that the Members who had voted it, though elected by the colonists themselves, did not represent their opinions. The House of Commons certainly was not justified in going to that length. If the people of Victoria by a great majority had appropriated a certain sum for the purposes of religious worship it was the duty of Parliament to leave that sum in the Bill, and it would be in the power of the colonists, if at any future time they should be of opinion that the voluntary principle was the best, to send Members to the Legislature determined to get rid of this vote.

MR. MIALL said, if the colonists had done what was under consideration in a proper manner, Parliament would not now be asked to sanction it; and when he was asked to say "aye" to a proposition from which he dissented, he chose, in the exercise of his discretion, to say "no." He was willing to leave to the colonists the fullest power of voting, not merely 50,000*l.*, but 50,000,000*l.*, if they liked, for religious purposes next year; but believing that the colonial Legislature had exceeded the limits of its authority, he considered that there was no tyranny in the course which he had proposed.

SIR JOHN PAKINGTON said, he thought the hon. Member misunderstood the proposition to which he was asked to say "aye," which was substantially that the colonists should be allowed to spend their own money in the way they preferred. It was clear from the numbers by which this scheme was supported that the elective portion of the colonial Legislature was in favour of it.

MR. HADFIELD said, he must deny that he wished to interfere with the free agency of the colonists. When this colony was reformed it would be time enough for it to say what it would do.

Question put, "That the words 'one hundred and twelve thousand seven hundred and fifty pounds,' stand part of the paragraph."

The Committee *divided*:—Ayes 71; Noes 29: Majority 42.

MR. LOWE said, he thought he could prove to the satisfaction of the Committee that this civil list was obtained by fraud and misrepresentation, and that the colonists themselves, if they were represented in that House, would be the first to oppose it. In a letter addressed to him in April last by Dr. Thomson, one of the gentlemen who settled the civil list, it was stated that the schedules of the Bill were extravagant in the extreme, induced by the excited feelings of the time, and accepted as a compromise with the Government party as the best bargain that could be made, the Colonial Secretary having assured the Legislature that he spoke the sentiments of the Duke of Newcastle, and that the home Government would send back the Bill if it were sent home without a civil list. That was a false representation on the part of the Colonial Secretary, because he had seen the Duke of Newcastle since the second reading of the Bill, and his Grace said he never wished there should be any civil list at all. On a former occasion he had shown that the expenditure of the colony in 1853 exceeded the revenue by no less a sum than 1,000,000*l.*, and that in the autumn of 1854 the estimated expenditure for 1855 exceeded the estimated ways and means by 1,800,000*l.* The Government, not the Legislature, set to work to pare down the excess, and cut it down by upwards of 1,000,000*l.*, reducing most of the departments by a third, and some by more than a third. He therefore considered he was justified in inferring that the colonists would, if they could, reduce this civil list in equal proportion. It was better not to pass it at all. It was better to send it back to the colony for them to deal with it according to their reduced means and reduced ideas. By doing so the colony would not be without a civil list, as it had a civil list under the Act of 1850, and Parliament would not raise the question of vested interests between the colony and the Colonial Office. To show the extravagant way in which the schedule was framed, the gentleman who went out as Colonial Secretary, after it was determined to give the colony responsible Government, and therefore with the understanding that he would have no retiring pension, was removed at the end of eighteen months' service, and was to receive by this Bill 5,000*l.* as indemnity. The gentleman who succeeded him, if dismissed after a less period of service—as was very probable—would be entitled to a pension of two-thirds of the salary for life. The Governor's salary was to be services with respect to the Colonies, and he had disapproved them. That he (Mr. Scott) also regretted, but he hoped that those services, although they at present were not approved by the hon. Gentleman, would, at some subsequent period, meet with his approbation; for he believed that during his connection with the Colonies he had spoken upon almost every question which had been raised, and had, at different periods, advocated both sides of it.

Mr. ADDERLEY said, he had upon all occasions voted for an elective Upper Chamber, but in this case he should certainly give his vote against the hon. Gentleman (Mr. Lowe). He had no means of testing the petitions which had been presented; but, as far as he could judge, public opinion was as much on one side as the other upon this question. It was too late now to go into the question on which side was the preponderance of feeling—that was a question which ought to have been considered in 1850. Power had been given by the Imperial Parliament to the colonial Legislature in that year to frame a constitution for themselves, and upon that, however, they had acted; it was too late now to turn round and say, "We will not confirm that constitution which you have framed under the powers we have given to you."

Mr. MAGUIRE said, that the framers of the constitution had attempted to get for themselves an hereditary aristocracy; but there was such an indignant shout of execration throughout the colony that they were obliged to withdraw their pretensions. He had no hesitation in declaring, after a careful perusal of the despatches, that the feeling of the colony was in favour of an elective Upper House.

Mr. JOHN MACGREGOR said, he must deny that anything done by the noble Lord (Lord J. Russell) had provoked the rebellion of 1837. The noble Lord had done everything he could for the purpose of pacifying the Canadas; and, indeed, there had never been any Colonial Secretary who had given greater general satisfaction than the noble Lord had given. He trusted the policy of this country would be to give to the colony under consideration the same government and the same responsibility as existed in Canada. Although he objected to a nominated Upper Chamber generally, yet, looking to the circumstances of the colony, he would not object to the Bill.

Motion made, and Question put, "That paragraph 2 stand part of Schedule 1."

The Committee *divided*:—Ayes 173; Noes 36: Majority 137.

On paragraph 15, relating to the division of the colony into electoral districts,

Mr. LOWE said, that the gentleman who had prepared this constitution, not satisfied with having a nominative Upper House and a constitution that could not be altered unless two-thirds of that nominative House were willing to commit suicide, effectually packed the representation of the Lower House. He had given notice of an Amendment upon this paragraph of the schedule, which, however, he thought it was hardly worth while to move. The electoral divisions of the colony were most unfair and unequal. Sydney, which contained fully one-fourth of the inhabitants of the colony, or some 50,000 persons, returned only three members, and it was now proposed that another should be added to the number; while four remote pastoral districts, which could not contain above 15,000 inhabitants, and which already returned four members—one more than Sydney—were now to return four additional members, so that there would be eight representatives of a population of 15,000, and four representatives of a population of 50,000. He wished to observe, further, with regard to the civil list, that the colonial Legislature had appointed certain members of the Government to form a Committee to prepare this Bill, and those gentlemen had voted themselves increased salaries to meet the additional expense of living. To one of those gentlemen the Legislature, in a spirit of extraordinary liberality, had voted back salary for eight years at the same rate, and the retiring salary was fixed at the full rate of the salary thus raised. He thought it right to mention this circumstance, in order to expose the gross jobbery which had been perpetrated.

Mr. J. BALL said, he thought it his duty to state, after the observations of the hon. Gentleman, that the present amount of salaries of the members of the Administration who could retire was, altogether, 7,300*l.* a year, but the amount voted had been 5,900*l.* It was not, therefore, fair to say that the increased rate of salaries was to be perpetually maintained.

Mr. MAGUIRE said, that the Attorney General and the Colonial Secretary had voted for their own salaries; and he thought a more shameful, barefaced, and gross perversion of the official privileges was not upon record.

LORD JOHN RUSSELL said, that the salaries and allowances had been settled by the Council without the intervention of the officers themselves.

MR. LOWE said, that some of the Gentlemen who had been referred to were upon the Committee which settled the salaries, and they voted their own salaries at the full amount. Their salaries were increased by the allowances made on account of the gold discoveries; and the Bill gave them retiring allowances, calculated, not upon the amount of their ordinary salaries, but upon this increased rate of salary.

Remaining paragraphs *agreed to.* House resumed. Bill *reported.*

EDUCATION (No. 2) BILL—
ADJOURNED DEBATE (THIRD NIGHT).

Order read for resuming Adjourned Debate on Amendment proposed to Question [2nd May], "That the Bill be now read a second time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

SIR JOHN PAKINGTON moved that the adjourned debate on this Bill should be further adjourned until Monday next.

Motion made, and Question proposed, "That the debate be further adjourned till Monday next."

LORD SEYMOUR said, he thought the time of the House would be better occupied in proceeding with measures which might be brought to a practical conclusion than in resuming a discussion that could not lead to any result this Session. If this Bill were to be sent to a Select Committee, the other two Educational Bills must also be sent, and that ought not, in his opinion, to be done *pro formâ*, or without a decided affirmation of the principle. He therefore thought it would be better to discharge the Order. He should, therefore, move the adjournment of the debate for three months. He should divide the House, and if he failed, would repeat his Motion on Monday.

Amendment proposed, to leave out the words "Monday next," in order to add the words "this day three months," instead thereof." Question proposed, "That the words 'Monday next' stand part of tne Question."

LORD JOHN RUSSELL said, he agreed that the second reading of such a measure as this ought not to be agreed to *pro formâ.* As there had already been considerable discussion upon this Bill, he thought at least a decision upon it should be obtained. If, however, the opposition which had been offered to this Bill were to be repeated on the two others—on which, for instance, the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) might repeat his long and able speech—it might occupy too considerable a portion of the time of the House. He thought the best plan would be to agree to the Motion of the right hon. Baronet (Sir J. Pakington), who would then state on Monday what course he, upon consideration, thought it best to take in regard to the Bill.

MR. MILNER GIBSON said, the noble Lord (Lord Seymour) seemed disposed to deal with these three important measures in a very summary manner. He (Mr. M. Gibson) had introduced one of them, the Free School Bill, the second reading of which had not even been discussed yet. He thought the country would ask why all the time had been spent on these Bills, if they were now to be got rid of by a Motion for an indefinite adjournment.

MR. LIDDELL said, he considered that every Member was pledged to forward a measure of education, seeing that at the hustings education had been a password of every one of them; and he therefore supported the Motion of his right hon. Friend.

MR. WALPOLE said, he thought his right hon. Friend ought to be allowed a few days to consider what course he should adopt, and would suggest that on Monday the noble Lord (Lord Seymour), instead of renewing his present Motion, should move that the Order of the Day for the second reading of the Bill be discharged.

MR. KINNAIRD said, he was of opinion that the country would approve the postponement of the Bills until next Session.

SIR WILLIAM CLAY said, he should support the Motion of the noble Lord, but urged him to accede to the suggestion of the right hon. Gentleman (Mr. Walpole).

MR. HENLEY said, he would also appeal to the noble Lord, to withdraw his Motion. He thought the hon. Baronet opposite (Sir W. Clay) might profit by the advice which had been given as to the withdrawal of measures which would probably take up a great deal of time, but were not likely to become law.

Amendment, by leave, *withdrawn.* Main Question put, and *agreed to.* Debate *further adjourned* till *Monday* next.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, June 26, 1855.

MINUTES.] PUBLIC BILLS.—2^a Accidents on Railways; National Gallery, &c. (Dublin).
3^a Weights and Measures.
ROYAL ASSENT.—Consolidated Fund(£10,000,000); Education of Poor Children; Insurance on Lives Abatement of Income Tax Continuance; Ecclesiastical Courts; Stamp Duties Repeal on Matriculation and Degrees (Oxford); Grants of Lands; Public Libraries and Museums (Ireland); Spirit of Wine.

WEIGHTS AND MEASURES BILL.

Order for Third Reading read.

THE DUKE OF ARGYLL said, that he should not have troubled the House with any observations on this stage of the Bill, had not his noble Friend behind him (Lord Wrottesley) who was a Member of the Commission, proposed to introduce a clause, which he (the Duke of Argyll) thought an improvement. The Select Committee on the Bill, though approving of the line measure for scientific purposes, were clearly of opinion that end measures were to be preferred for general and commercial purposes; and the proposed clause provided for the legalisation of the latter, when constructed, through the agency of Orders in Council, without requiring any further intervention of the Legislature.

LORD WROTTESLEY said, that in the restoration of these Imperial Standards, a vast amount of highly skilled labour had been given gratuitously to the nation by Mr. Sheepshanks and Professor Miller of Cambridge, the two gentlemen, to whom the actual construction of the standards of length and weight had been committed by their colleagues in the Commission, and some public acknowledgment was due to them. Various difficulties had arisen during the progress of the work, *e. g.*, in fixing upon the material of which the standards were to be made, and as to the mode of supporting, illuminating, and estimating the temperature of the bars compared and in making the comparisons themselves; but they had all been successfully overcome. Had not their Lordships been impatient to listen to the eloquence of the noble and learned Lord opposite (Lord Lyndhurst) he (Lord Wrottesley) would have detailed some particulars of the proceedings of the Commission, which he thought would have interested their Lordships. He would not, however, sit down without informing them, that the secondary standards in the Exchequer were in a state unworthy of the nation, that the whole subject required to be carefully examined into, and that proper measures should be adopted for correcting the evil.

LORD MONTEAGLE said, that those who had the charge of these measures were always ready to listen to any suggestions for their improvement—and eulogised the Dean of Ely, who was a member of the Commission.

Bill read 3^a.

ORDER OF THE BATH.

LORD VIVIAN wished to refer to an answer which he had received to a question that he had put on the 7th of May to the noble Lord at the head of the War Department (Lord Panmure) with respect to the conferring of the Order of the Bath on officers who had distinguished themselves in the East. In that answer the noble Lord said he deeply regretted the delays that had occurred in distributing the higher class of rewards; that, before conferring the Order of the Bath, it was necessary (to comply with the statutes) that the names of those who were to receive it should have been mentioned in the *Gazette* and also in a despatch; and that, consequently, he had some months ago written to Lord Raglan, requesting him to send home a despatch containing the names of those officers whom he considered to be entitled to receive that distinction. Now, after this declaration on the part of the noble Lord, he (Lord Vivian) did not conceive that he could refer to precedent to show that these honours were not given until the termination of the campaign. Indeed, that precedent was in his (Lord Vivian's) opinion so bad that the sooner it was abandoned the better, inasmuch as, according to such a system, those who were most deserving of such a reward were those least likely to receive it, while those who were furthest from danger would be those who would most probably survive to obtain it. He (Lord Vivian) had received a letter from Colonel Yea, in which the writer said—

> "To return to the Order of the Bath. Poor Egerton was one of those who used bitterly to complain of the treatment experienced through neglect by the officers commanding regiments, and more than once he has said, while pointing to Sebastopol, 'We shall lose our lives there without having the satisfaction of knowing that justice has been done us.' His words were prophetic, and I dare say such will be the fate of all of us who have not the luck to be wounded only."

LORD PANMURE said, it was true that, according to precedent, the honours of the

Order of the Bath were not usually conferred on officers who had distinguished themselves in military operations until the conclusion of the campaign; but when the gallant services which had been rendered during the present war were considered, he for one was of opinion that the established precedents in the distribution of such honours ought not always to be followed. He very much regretted the delays which had taken place in the distribution of the honour of the Bath; but those delays had been unavoidable, it being necessary that the names of all those officers who were deserving of such marks of distinction should be included in the same distribution. Under these circumstances, it must happen, in a war of this description, that many of those who had been recommended for such honours should fall before they received them; and on the present occasion we had much to lament, among other cases, the death of Colonel Egerton, who fell in battle, and who not only distinguished himself in the field, but during the distresses endured by the army in the course of the severe winter campaign. Colonel Yea and Sir John Campbell were also distinguished for the manner in which they had conducted themselves in the midst of great difficulties, and won the love and affection of those who were under their command, and these gallant officers had also fallen. He had no hesitation in saying that Colonel Egerton, Colonel Yea, and Sir John Campbell were recommended by Lord Raglan for the honour of the Bath, and it was a matter of great regret that they had not lived to receive the honours they had so well deserved of their country.

THE SLAVE TRADE AND THE WEST INDIA COLONIES.

Lord BROUGHAM:* I have to lay a petition before your Lordships, which I had the honour of receiving just on the eve of the Easter recess, and which well deserves the attention of this House. It proceeds from the colony of Barbadoes, and may most truly be said to contain the representations and the prayers of all the inhabitants. Signed by the President of the Council, the Speaker of the House of Assembly, the Colonial Secretary, the Colonial Treasurer, the Attorney and the Solicitor General, many Members of the Council, and Members of the colonial Parliament—by the lord Bishop of the diocese, Rectors of the Established Church, Ministers of dissenting congregations, some hundreds of proprietors, of merchants, and of professional men—it may most justly be taken as proceeding from the constituted authorities as well as the body of the inhabitants. And of the numberless petitions which I have at various times had the honour of presenting to your Lordships, I can recollect no one that could so truly be said to speak the sense of the whole community, as this does the sense of the most ancient of our settlements in the Caribbean Sea, and all but the most important and most unfortunate.

These colonists approach your Lordships' House with a statement of the grievances, the evils, the intolerable evils, which they suffer from the continuance of the African slave trade, and from the measures unhappily adopted by the mother country nine years ago, regarding the produce of West Indian agriculture. Their statements respecting the slave trade are brief, clear, undeniable, and convincing. Before rehearsing them to your Lordships, let me add that we have a pledge for the sincerity of their professed opinions against the inhumanity of the slave traffic—a pledge hardly necessary when we consider the great respectability of the petitioners, and the high official stations which many of them fill, yet satisfactory as putting an end to all doubt upon the subject—I mean that their interest entirely coincides with the principles they avow. The injury to their property begun by the emancipation, has been consummated by the continued existence of the foreign slave trade, and the permitted importation of the produce which results from it. We had, say they, been with the utmost difficulty struggling under the transition from the slavery to the freedom of our labourers, when we found all our efforts paralysed by the attraction which the unlimited supply of slaves affords to capital in rival settlements, and the unnatural amount of the produce extracted from their labours (it might have been said their torments) by the lash.

These unfortunate petitioners recite the sad history of the cruel traffic, the scourge always of Africa, now of the West Indies. They represent that it was abolished nearly fifty years ago in the British dominions. The first Act was passed in 1807; but proved ineffectual, because only pecuniary penalties were imposed, and the slave trade was treated merely as contraband. I reckon it well nigh the greatest blessing that has been bestowed upon me, to have succeeded in carrying the Felony Bill, which, treating this execrable traffic as a crime, made it punishable like other felonies, and the enormity—I will not so far slander honest commerce as to call it a trade—became, by the law of the land, what it always had been by every rule of morality and every principle of humanity, a crime of the deepest dye. The Act of 1811 was effectual for its purpose, and Africa, with our Colonies, was rescued from the scourge, as far as our own subjects were concerned. Treaties with foreign powers aimed at its extinction in their dominions also; and to the force of those treaties was added the more effectual force of our cruisers; so that, as long as the war lasted, the detestable traffic was generally put down. But when peace came in 1815, the same right of search and seizure no longer was effectual, and new treaties were entered into, especially with Portugal and Spain. The full and stringent provisions of these important compacts have, by Spain, never been honestly fulfilled—sometimes all but openly violated. It appears, by the report of the Commissary Judge, Mr. Backhouse, that in 1853, there were imported into Cuba, from the African coast, 12,500 negro slaves; and it is certain that in this return there were material omissions; for instance, as many as 2,180 were left out in one month; but both in that year, and in 1854, it is certain that nearer 15,000 than 12,000 were landed in the island. The Brazilian Government affords a striking contrast in this respect to that of Cuba. The traffic had been carried on to a vast extent for many years, and all the efforts of our cruisers had failed to prevent it, though, no doubt, many captures were made. About 50,000 had, one year with another, been landed in Brazil. To that amount this horrid traffic reached in 1849 when the Government was resolved to adopt effectual measures for suppressing it; and next year the importation was reduced to less than a half. In 1851, not above 3,300 were landed; in 1852 from 800 to 1,000; and in 1853, the traffic entirely ceased. The extent to which it had been carried on for so many previous years is unfortunately a proof how insufficient all attempts upon the African coast, or that of Brazil, have proved, and the Cuba traffic which still continues, has given the friends of the abolition reason to doubt if the efforts of our cruisers can greatly diminish, as certainly they cannot extirpate it. Meanwhile the Spanish Government has refused to declare it piracy, and has taken no steps to suppress it by local measures, like those which have proved so effectual in Brazil. Piracy of the very worst description it undeniably is; and were those who perpetrate it, suffered to be treated as pirates, it could no longer be carried on by any nation, more than the British traffic has been since 1811. But, while the same measures are not pursued with the criminals who supply Cuba with slaves, these petitioners know that all their efforts are vain to sustain the competition of the Spanish planters, and they call upon us to exclude from our markets the produce of slave labour, and apply the only power which we possess, of at once relieving their distress, and extirpating the traffic encouraged by our unhappy policy nine years ago, when, by a gross perversion of the doctrines of free trade, we resolved to obtain cheap sugar at the heavier cost of piracy, and torture, and blood. To that policy I will give none of the names which it so well deserves, speaking as I do in the presence of many who countenanced, and not a few who patronised it. But as I began by expressing my humble thankfulness for having been permitted to carry through the Bill of 1811, which declared this infernal traffic a crime, and consigned its perpetrators to the punishment of felons, so will I close my statement to your Lordships by protesting that for all the wealth of Ormus and of Ind, would I not have had any hand whatever in the dreadful measure of 1846. I move your Lordships that this petition from those who, next to the Africans, have most suffered from it, should be laid upon your table.

Petition read, and ordered to lie on the table.

FRIENDLY SOCIETIES BILL.

House in Committee (according to order).

LORD RAVENSWORTH rose to move the omission of the following proviso from the 39th clause—

> "Provided also that no exemption from stamp duty other than such as is contained in section 8 of the Act passed in the Session of Parliament holden in the 6th and 7th years of the reign of His Majesty King William IV., chap. 32, shall extend to any benefit building society."

He maintained that these building societies were entitled to their Lordships' favourable consideration, inasmuch as they were composed of persons in the humbler classes of society, who were anxious to obtain, through the means of the societies to which they belonged, a small freehold holding, and as large an interest for their savings as they could obtain with security, and they had hitherto been specially exempted from the stamp duty. The manner in which it was proposed to deal with them was ill-advised and inconvenient, inasmuch as the proviso was tacked on to an enactment, the main portion of which related to matter of a different character; and it was unjust because it had been introduced without an opportunity being afforded to the parties interested to state their case before the House of Commons. With reference to the privileges of the House of Commons, he was able to say, on the highest authority, that the omission of this clause would involve no infringement whatever of those privileges. It was, no doubt, the duty of the House of Lords to respect the privileges of the other House; but surely, on a question of this kind, the House of Commons was perfectly competent to assert its own rights. The object for which it had been inserted would be much better obtained by a separate Bill, which would also have the advantage of being a more constitutional course. He hoped their Lordships would not consent, at the mere bidding of the Secretary of the Treasury, to deprive any class of the community of the advantages which they at present enjoyed. The noble Lord then moved that the proviso in Clause 39, line 19, be struck out from the Bill.

Lord PORTMAN said, with respect to the question of privilege they could not have a higher authority than a noble Lord who had so recently come from the other House of Parliament; but he believed, notwithstanding the assurance the noble Lord had given, that their Lordships would agree with him in thinking that questions of privilege should be touched upon but tenderly in that House. With respect to the arguments which the noble Lord had used in support of his proposition, he would first advert to the question of fact. The necessity for the proviso had arisen out of an adjudication of the Court of Common Pleas, by which the privileges of members of friendly societies were extended to benefit building societies, for whom they were not originally intended. The more important question, however, was the reason why the proviso imposed such limitations. Under the Benefit Building Societies Act transfers were exempted from the payment of stamp duty up to the amount of 150*l.*, but it had been found that the shares of such societies were usually 120*l.* each, paid by instalments of 12*s.* a month, and by the proviso it was proposed to extend the exemption to 240*l.*, the amount of two shares. By the decision of the Court of Common Pleas that exemption had been claimed and allowed upon transfers to the amount of even 1,000*l.*; and it was quite clear that such persons were receiving the advantage of an exemption which was originally intended to be conferred upon the provident poor alone. The noble Lord said that injury was done by this clause, and that it would prevent certain classes who had hitherto enjoyed the exemption from continuing to obtain it. But there could be no complaint of injustice being done to them, because, as he had shown, they were not the parties originally exempted in the Benefit Building Societies Act.

The Earl of DERBY thought that the reply of the noble Lord to the arguments of his noble Friend was hardly any answer at all to those arguments, or to the objections which he had stated. The grounds on which the proviso should not be introduced in the present Bill were clear and manifest. The Bill was introduced for what was certainly a very useful object—namely, the consolidation and amendment of the great variety of Acts affecting Friendly Societies, and so far as the Bill carried out the original intention with which it was introduced, no human being objected to it. But it occurred to the Secretary of the Treasury during the progress of the Bill that there was an opportunity of increasing the public revenue by introducing into it a clause affecting a different class of societies altogether, and which were not at all mentioned in any of the Acts the Bill proposed to consolidate, but which depended for their existence on a totally different series of statutes—the Building Societies Act. Now, when a Bill of such an unobjectionable kind was introduced into the other House of Parliament, he thought it was a very hard thing that the Secretary of the Treasury should come down to the parties proposing the Bill, and say to them that they should not have the support of the Government unless they would consent to introduce into their Bill a proviso that had nothing whatever to do with it. Yet it was under that compulsion that the clause in question was introduced. The noble Lord had said that the wealthier classes had taken advantage of exemptions to which they were not entitled. The Building Societies, however, enjoyed no exemption with regard to stamp duties upon mortgages or transactions of that nature; the only exemption they possessed being with respect to the transfer of property, as between the societies and the members composing such societies. It was only with regard to these transfers, which were, so to speak, merely domestic affairs, that the Building Societies under the existing Act enjoyed an exemption from stamp duties. The persons who were permitted to enjoy this exemption were generally artisans, who were enabled by industry and economy to lay aside from their earnings some *2l.* or *3l.* a month, which they invested in these Building Societies. The exemption had been deliberately granted by the Legislature in order to encourage Building Societies, and he contended that it was not just, right, or fair to the parties, or honest as between the Legislature and the industrious classes of the country, to take away from them exemptions under which they had entered into engagements and subscribed money to those societies in a Bill professing merely to consolidate Acts relating to a totally different class of societies. For these reasons he should support the Amendment for the omission of the proviso.

EARL GRANVILLE said, the noble Lord appeared to misapprehend the reason why this clause had been introduced into this Bill at a late stage of its progress in the other House. Under the Benefit Building Societies Act stamps upon transfers were exempted up to 150*l.* That continued until the fourth clause of that Act was construed by the Court of Common Pleas with the eighth clause of the Friendly Societies Act, and thus the privileges of those societies were extended to the benefit of the Building Societies, for which they were never intended. At the time when these societies were established they were confined within very moderate limits; but they had since assumed a more extensive character, resembling, in some respects, banks of deposit. The Government, therefore, thought the continuance of the exemption would be attended with considerable injustice; under these circumstances, it was thought proper, when the Bill for consolidating the Friendly Societies Acts was passing through Parliament, to insert a clause which would restore matters to their original position; but representations having been made to the Secretary of the Treasury, that the alteration in the law would be attended with hardship in certain cases, the exemption had been extended to amounts of 240*l.* instead of 150*l.*

THE EARL OF DERBY observed, that there was not a single word contained in the Building Societies Act as to the amount which should be exempted from taxation. On the contrary, the transfer of any number of shares was exempted from the operation of the Act if the amount did not exceed 150*l.* each share. By adopting this proviso the House would say that a member of any of these societies holding more than two shares would be deprived of the benefit of the exemption provided in the Act.

LORD MONTEAGLE expressed the satisfaction he had experienced from seeing the growth of the societies in question, and the benefit they had conferred on the poorer classes, especially in encouraging habits of providence and foresight. He thought it would be exceedingly injudicious to take any steps which would tend in the slightest degree to discourage them; and, with respect to the proviso under consideration, he quite concurred in the opinion that it had no right to be in that Bill at all. It was not mentioned in any of the enacting clauses, nor included in the title; so that the societies had not had any notice that their interests would be affected by it. He should therefore support the Amendment.

THE EARL OF ELLESMERE hoped that the noble Lord who introduced the Bill would not consider it inconsistent with his duty to abandon this proviso. It was said that it was not for the advantage of the poor, but for the advantage of the rich that the exemption should be maintained. That, however, was not an argument that ought to weigh with their Lordships. Most of the large towns throughout the country were deeply interested in the question; but he believed it would be found that it was very seldom that men of extensive capital were induced to invest money in these societies. At any rate, though the matter might be one for inquiry, it ought not to be taken for granted without explanation. If the proviso were pressed to a division he should certainly feel bound to vote for the Amendment.

On Question that the words proposed to be left out stand part of the clause, their Lordships *divided*:—Content 43; Not Content 47: Majority 4.

List of the CONTENT.

DUKE.
Northumbeland

MARQUESSES.
Bath
Salisbury
Drogheda
Westminster
Winchester.

EARLS.
Derby
Eglinton
Malmesbury
Stradbroke
Ellenborough
Stanhope
Carnarvon
Haddington
Kingston
Shaftesbury
Delawarr
Ellesmere
Lucan
Powis
Talbot
Beauchamp
Macclesfield
Leitrim
Bantry
Bandon
Harrington

VISCOUNTS.
Bangor
Hawarden

BISHOP.
Exeter

BARONS.
Wynford
Colchester
Dinevor
Lyndhurst
Sondes
Walsingham
Downes
Colville of Culross
Redesdale
Ravensworth
Polwarth
Plunket
Monteagle
Lilford
Vaux
Wharncliffe
Berners

Amendments made; the Report thereof to be received on *Thursday* next.

ACCIDENTS ON RAILWAYS BILL.

LORD STANLEY OF ALDERLEY, in moving the second reading of this Bill, said it was a measure of modest pretensions, giving to the Executive powers with regard to Railway Companies to which he did not think objection could be made. The first clause of the Bill made it compulsory upon all Railway Companies to establish a means of immediate communication between the guards and drivers of railway trains; and the mode in which he proposed to enforce that provision was by inflicting a penalty in any case where a Railway Company failed to insure this communication in a satisfactory manner. He need not tell their Lordships that many accidents had happened from the want of such a communication, and he thought their Lordships would have no hesitation in conferring this power upon the Executive, particularly as it did not entitle them in any way to interfere with the management of railways, or lessen the responsibility of directors and managers. The next clause gave power to the Board of Trade to require a bridge or tunnel to be made over or under a railway in places where level crossings now existed. In all recent Acts of Parliament affecting railways the Board of Trade had power to require that a bridge should be made if it were thought necessary for the public safety or convenience, but in some of the early Acts no such power was conferred. The result was, that in cases where level crossings existed, and large populations had sprung up in the neighbourhood, a Railway Company could not be compelled to substitute a bridge or tunnel; by this Bill, however, the Board of Trade would be empowered to interfere in all such cases, and a daily penalty was inflicted on Railway Companies, if within a specified time, from requisition made by the Board of Trade, a bridge should not be erected over the place in question. Another provision rendered a Railway Company civilly answerable for all misfeasances on the part of their servants, which at present was rather a matter of doubt. By the fourth clause, Railway Companies might summarily proceed against those of their servants who left their work, without permission from the proper authorities, before the time for which they agreed to serve had expired, and without having given such notice as the terms of their engagement required from them; and offenders in this respect were made liable to fine or imprisonment. With regard to the question of assimilating the law of Scotland as regarded managers and directors ofrailways to that of England, that point had been taken into consideration. In Scotland, as their Lordships were aware, the managers or directors of a railway might be criminally indicted for any omission in providing any machinery necessary for safety on their railway; but although it might be considered prudent by some persons to introduce that principle into this country, still there were many reasons which rendered it inconvenient to do so. In Scotland there existed a public prosecutor in the person of the Lord Advocate, who, after looking through the evidence taken by the Procurators Fiscal, decided upon what course should be adopted. In addition to the inconvenience which would arise from there being no such functionary in England, he was afraid that if it were made easy to institute criminal proceedings against directors and managers of railways in this country persons of eminence would be deterred from accepting those positions, and directors of railways would become of a less eminent character than they at present were.

THE MARQUESS OF WESTMINSTER asked whether some means of communication between the passengers and guards should not also be established?

LORD STANLEY OF ALDERLEY replied, that he did not propose to prescribe any particular mode of communication between the driver and the guard. All railways should be required to provide an effective mode of communication. If the Board of Trade were not satisfied that the method of communication adopted by any company was effective, it would be in the power of the Board to instruct the Attorney General to commence proceedings against the company.

EARL FITZHARDINGE wished to state that there could be no difficulty in effecting the required communication, because such a communication had already been established on the South Western Railway, and had proved most effective.

Bill read 2ª, and committed to a Committee of the whole House on Thursday next.

AUSTRIA AND THE WESTERN POWERS —THE TREATY OF DECEMBER 2, 1854.

LORD LYNDHURST: I rise, my Lords, to call the attention of your Lordships to the Treaty of the 2nd of December, 1854, and the recent Conferences at Vienna, with reference to the Position of Austria in her Relation to the Allied Powers; and to endeavour to obtain from my noble Friend opposite (the Earl of Clarendon) some explanation and some satisfaction with regard to this subject. I know that I may be told that this is a very delicate subject—that it is a subject of great importance and one which must be treated with very great caution; but, my Lords, as I intend to confine myself to a mere statement of facts, I do not consider that any inconvenience can arise from this discussion. Every person conversant with the state of affairs in the East must be aware that both Prussia and Austria, and more particularly Austria, have a deeper and more immediate interest in the results of the aggression of Russia than either of the Western Powers; and, my Lords, there can be little doubt that, had those two Powers acted in concurrence with the Western Powers with activity, energy, and decision, in the early period of these disputes, the effect would have been to restrain the proceedings of Russia, and this country would not have been involved in this unhappy war. I confess, my Lords, that, as far as relates to Prussia, I have no confidence that any act of co-operation with us will take place on her part. I know well the history of the last war between Turkey and Russia, and I observed the conduct of Prussia at that period, and I observed her subserviency to Russia; so great, indeed, was it that she could scarcely be considered in the light of an independent Power. But with respect to Austria I entertained different expectations. The fact that there was a great military Power, presided over by a young and spirited monarch, deeply impressed with the injustice of the proceedings of Russia, and fully convinced of the great interests he has at stake in this contest, led me to hope that some active assistance and co-operation might have been displayed in that quarter. However, it appears that cautious and timid counsels have prevailed, and I regret to say that I consider the inactive position of Austria in these proceedings as partaking in some degree of a state of humiliation. I have asked myself several times, to what are we to attribute this inaction on the part of Austria? I ascribe it, as I believe every man must do who looks at the state of Europe, to her peculiar position, and I trace that position to one of the most lamentable events—one of the greatest political crimes of modern times—I refer to the partition of Poland—to the successive partitions of Poland, I should say—in which Austria was unfortunately an accessory, and in the spoils of which she participated. What, my Lords, has been the result of that transaction? Three-fourths of the extensive territory of Poland, with its numerous population, has been incorporated in the Russian empire; and her last acquisition—viz., that of the Duchy of Warsaw, has pushed her forward in an advanced position in Europe, pressing upon Central Germany, and dividing the dominions of Prussia from those of Austria. She has pursued her ordinary course of policy with regard to this territory,—namely, by constructing in this advanced position a series of the most formidable fortresses along the banks of the Vistula and also a second line of fortresses on other points, not for the object of defence only, but with the view of availing herself of the first favourable opportunity of continuing her aggressions in that direction. Any one who looks at the map of Europe, and takes into consideration the facts I have stated, will agree in what was said, I believe, in another place by a noble Lord—viz., that the position of Russia which I have now described is a standing menace to Germany, and particularly to Austria, corresponding with her menacing attitude in the fortress of Sebastopol with respect to the Turkish Empire. My Lords, I admit that Austria could not have taken an active part in military operations against Russia without incurring considerable risk to herself in consequence; but, then, risk must be encountered where great interests are at stake, and great objects are to be attained; and I do not believe that by her policy of delay and postponement Austria has at all improved her position. On the contrary, it has struck me from the beginning that Austria never can have a better opportunity of vindicating her own rights and encountering the dangers to which I have referred than by entering into an offensive and defensive alliance with the Western Powers—a course which has been open to her ever since the commencement of this contest. I do not mean, my Lords, to imply that we have derived no advantage whatever from the position assumed by Austria. On the contrary, the large army which she placed in Galicia and along her other frontier has occupied and detained a proportionate force belonging to Russia, and this is an advantage which we have felt during the whole of the war; but I am sorry to see at this moment symptoms and appearances which lead me to believe that this advantage will not be continued, and that at no distant period we shall find a great diminution of the forces of Austria on her own frontier, and a corresponding opportunity thereby afforded to Russia to liberate her troops, and employ them in any operation she may undertake against the allies. My lords, although we have obtained no active assistance from the policy adopted by Prussia or Austria, we have nevertheless had their moral support, which is certainly a great advantage. As far as relates to Prussia, I believe that the moral support we have received from that Power, we owe not to the disposition of the Government, but entirely to the strong feeling of the people of that country, who are no supporters of the humiliating course which their rulers have pursued, in favour of our cause. The moral support of the Government of Austria, on the other hand, I am persuaded, has been sincere, earnest, straightforward, and consistent, and has arisen from a deep sense of the injustice of the conduct of Russia, and from a firm conviction of the interest Austria has in restraining the ambition and checking the aggressions of that Power. My lords, it is to the protocols that I refer when I speak of the moral support that we have received from these two States, those protocols beginning as far back as the month of December, 1853, and extending down to the month of May last year. They are four or five in number, and they characterize in the strongest terms the injustice of the proceedings of Russia. They at the same time declare, in very forcible language, that the object of the alliance of the Four Powers is to procure, in the first place, the evacuation of the Principalities, and, in the next, to secure the independence of the Sultan and the integrity of his dominions. Such are the objects to which the protocols are directed. I have said that these documents go down to the month of May last. About that time it would appear as though Austria had a feeling that she was not acting a bold and decided part, and that she was determined, therefore, to take a step in advance. Towards the close of that month, or early in June, she resolved on making a demand upon Russia to evacuate the Principalities. That demand was made in very strong terms, with something like an intimation that if it were not complied with, Austria would resort to forcible means to secure this object. Now, your Lordships are not to suppose that this demand was altogether a departure from the cautious course which Austria had before pursued. Indeed, the circumstances in which this demand was made, show that it was still a continuation of her previous policy. At this time, the Russian army in the Principalities had suffered greatly from disease—they had been defeated in several encounters by the Turks—they were pressing, not very successfully, the siege of Silistria—the allied troops had advanced to Varna—there was then a large French force at Adrianople—and it was in this state of affairs that Austria for the first time made the demand to which I have referred. That cannot, therefore, be considered as any departure from the abstemious and cautious policy she had before adopted. But, my Lords, what followed? Austria having made this demand, Russia refused to accede to it, not in distinct terms, but by conduct amounting to a refusal. Well, what course did Austria then pursue? Did she immediately carry into effect any attack upon the Russian forces? Did she attempt to enter the Principalities? Far from it. She abstained from doing anything for a period of several weeks; and it was only when the siege of Silistria had been raised and the Russian army was in retreat, and when Russia herself had served a notice that she would within a certain time leave the Principalities and retire behind the Pruth, and there act only on the defensive, that Austria ventured to cross her boundaries, and, without opposition or the firing of a shot, took possession of the Principalities, for which purpose she had previously made a treaty with the Porte. Now, mark what afterwards happened. Russia, with great skill and great political address, had said that she would act on the defensive, a declaration which can only be interpreted as equivalent to a proposition to the Austrian Government to act the part of a neutral at that point; and that proposition was practically acceded to and accepted by Austria. And what was the consequence of Russia's retiring beyond the Pruth? Why, that the whole of the Russian army—the army of Bessarabia, which had retreated from the Principalities—were set free to act against the allies in the Crimea, and have acted against them with effect, their motions being so rapid that, according to the statement of a noble Duke made in this House, they marched at the rate of forty miles a-day, availing themselves of all the facilities afforded by Odessa; and the Russian armies in the Crimea were thereby increased to such a degree that our position became extremely dangerous there. It is not my intention to make any statement of what happened after Austria had taken possession of the Principalities, because I am not sufficiently conversant with the facts to be able to state every public act of hers there. I may observe, however, that when the armies of a friendly Power enter into a country for the purpose of protecting it, the first duty of that Power is to take care that the strictest discipline is maintained in her armies, and to prohibit all violence either to property or to person. Now, my Lords, there have been surmises—whether they are correct or not I will not undertake to say—that this principle has not been strictly adhered to during the time that Austria has occupied the Principalities. By the treaty between Austria and Turkey it was provided that all the privileges of the inhabitants of Wallachia and Moldavia should be scrupulously respected, but I understand—and my noble Friend opposite will be able to correct me if I am wrong—that, so far from that stipulation having been adhered to, martial law has been proclaimed throughout the Principalities by the Austrian generals. I pass this over, however, because it forms no part of my argument, and because, as I said before, I am not sure whether the information which I have received upon these points is perfectly correct. It was about the middle of the month of August that Austria took possession of the Principalities; she remained there perfectly undisturbed by Russia, and while we were struggling in the Crimea in support of the common cause—while we were shedding our blood and spending our treasure for the attainment of an object in which, as I have stated before, Austria was much more deeply interested than ourselves—Austria was quietly establishing herself in the Principalities, spinning, as I may say, innumerable notes, memorials, and letters addressed to Prussia and the different German Powers, and weaving a complication of negotiations, compared with which all the entanglements of our Court of Chancery, even in its worst state, would be models of simplicity and straightforwardness. In this state affairs continued until the 2nd of December, when the treaty to which I am about to call your Lordships' attention was signed by Austria and the Western Powers. That treaty appears to me to be a most singular document. So far as relates to the obligations imposed on the Western Powers it is distinct and perfectly intelligible; but when we come to consider the obligations which it imposes upon Austria it is vague, indefinite, and almost unintelligible. The stipulation which is binding upon the Western Powers is, that in case Austria should be attacked by Russia we should immediately engage with her in an offensive and defensive alliance. Nothing can be more distinct and precise than that engagement; but, on the other hand, it is stipulated that, in the event of peace not being concluded before the end of the year upon the basis of the Four Points it so often referred to, then that Austria will—what? Take up arms and join the allies? No; but deliberate without delay with the allies upon effectual means of attaining the objects of the alliance. Now, my Lords, what the precise meaning of those words may be I will not undertake to say; but this I will say, that, according to my interpretation of them, they must mean that Austria will concert with the allies upon active measures to give effect to the alliance, and that she will take an active part in the application of those measures. Any interpretation short of this would be manifestly absurd, and that I am supported in this interpretation by France and by Her Majesty's Government I think I can undertake to show. In *The Moniteur* of the 16th of April I find a passage to this effect, with respect to the treaty of the 2nd of December—

> "In fact, if these negotiations should fail, Austria, whose alliance would become an offensive one, would enter into armed action, and the weight of her sword would soon obtain by war what her influence could not effect in the conference. The allied Powers know that if Austria does not succeed in this noble effort of her European patriotism, she will fight resolutely with them. The adhesion of the Western Powers to an honourable and possible peace—having, as a consequence, the support of Austria in a necessary and legitimate war—is an act counselled by wisdom, and will be approved by public opinion."

Nothing can be more marked and distinct than this language, nothing can show more clearly the interpretation put by the French Government on this clause of the treaty. It amounts to this, "If peace is not concluded upon terms based upon the Four Points, Austria will immediately co-operate with the allies." I have also the authority of the Secretary of the Colonies for my interpretation. In a speech delivered at the commencement of the Session, he thus expressed himself—

> "I understand the meaning of that article—certainly as not containing anything very precise in itself—I understand, however, the meaning of that article to be that, if England and France shall propose conditions of peace which are in conformity with the four bases, and which seem to Austria to come within the terms of those bases, and if Russia shall refuse her assent to such treaty of peace, then Austria will no longer hesitate, but take part in the alliance against Russia."—[3 *Hansard*, cxxxvi. 220.]

I think, therefore, that the Governments of France and England have put on this vague clause the interpretation which I put upon it, and which I maintain is the only sensible explanation which can be given of the terms in which that clause is framed. This brings me to consider what has since taken place, and what are the consequences of the position and conduct of Austria. Russia consented, after some explanation, to enter into a negotiation on the basis of the Four Points; it would follow, therefore, that if, as the result of that negotiation, peace were not concluded with Russia from any disinclination on her part to accede to terms founded on those Four Points, Austria would be obliged to take an active part in the war in conjunction with the allies. The negotiation commenced, and I must say—and I am happy to be able to say it—that Count Buol, the Austrian Plenipotentiary, acted throughout the discussion of the Four Points with the utmost fairness and candour. He discussed those points along with the allies with great force, with great candour, and with great judgment. I am not going to enter into any discussion of those points; it is not necessary for me to do more than to refer to the results. It was proposed on the part of the allies to limit the forces of Russia and Turkey in the Black Sea. What was the answer of Russia? She peremptorily refused to entertain any such proposition. "We will not," said her Plenipotentiaries, "consent to limit the strength of the navy of Russia in the Black Sea by treaty, or in any way whatsoever." Count Buol expostulated—he argued the case—but the Russian Plenipotentiaries adhered to their decision. They then made counter-propositions, which were stated by Count Buol to be wholly unsatisfactory, and not at all calculated to lead to any fair terms of peace on the basis of the Four Points. You have, therefore, the decision of Count Buol as to the satisfactory nature of the proposition which was made by the allies, and refused by the Russian Plenipotentiaries, and you have him, on the other hand, declaring that the Russian counter-proposal, which was objected to by the allies, was insufficient, and did not carry into effect the basis of the Four Points. In the very last clause of the papers laid upon the table—I mean those which terminate on the 26th of April—Count Buol declares, in precise terms, his opinion that the proposition made on the part of the allies was a reasonable and proper mode of settling peace upon the basis of the Four Points, and that the proposal of Russia was wholly insufficient. Nothing could, then, appear to be more clear or precise. Russia had refused, according to Count Buol, that which was reasonable and proper; and Austria, therefore, according to the interpretation which I put on the clause I have referred to, was bound to take active measures in unison and concert with England and France. But those who come to this conclusion are not aware of the resources of German diplomacy and German negotiation. After the lapse of some time another meeting of the conference was held, and a proposal was made by Austria, which she said she considered would be satisfactory both to Russia and to the allies. Now, I am aware that there are persons who say that Count Buol must have known that the allies never could accede to that proposition, though I do not say so. Again, I am aware that there are persons who say that Austria, knowing that that proposition could not be acceded to by the allies, must have made it with the view of sliding out of the obligations of the treaty of December 2. I make no such charge. I am bound to think Count Buol an honourable man, but such a course of proceeding would be disgraceful. Yet the position of things is very extraordinary. Let me direct attention to the proposition, and compare it with the propositions decided upon in the previous conferences. The proposal was, that Russia and the Porte should agree together as to what should be the amount of the naval forces reciprocally to be maintained by them in future in the Black Sea, and that that amount should not in any event exceed the number of vessels then afloat. But Russia had already, during the course of the negotiation, said in most distinct terms that she would not submit to any limitation of her naval strength in the Black Sea by treaty, or in any other manner whatever. The French negotiator, M. Drouyn de Lhuys, was very anxious to conciliate, as far as possible, the Russian negotiators, and he said that the proper way then would be to pursue this course:—Let the Russian and Turkish Plenipotentiaries settle before the conference the amount of naval force to be reciprocally maintained in the Black Sea; let them draw up a paper on the subject, sign it, and affix it to the treaty, and let that paper be considered part of the treaty. Russia refused to accede to that suggestion; but then Russia made this proposal—that she would negotiate with Turkey out of the congress, and without the allies. That proposition was replied to by the Ottoman Plenipotentiary with a direct refusal; he said Turkey could not do so, having entered into a treaty with the Allied Powers, by which she bound herself not to negotiate with Russia except in concert with them. How was it possible, then, after these propositions had been considered, discussed, and determined, and after the conferences had been entirely closed on the 26th of April, and the negotiators had said that all their powers were exhausted, and were taking their leave—how was it possible for Austria to imagine, under such circumstances, that the Allied Powers would consent to renew the conferences? Such a course would have been so idle and so perfectly fruitless that I think the Western Powers were justified in rejecting it, and that they could not have adopted any other step. Therefore, there is some plausible ground for believing — though I do not believe it — that Austria, with all her skilfulness in negotiation, framed this last proposal, knowing that it could not be acceded to, in order that its rejection might serve as a decent pretext for sliding out of the obligations of the treaty of December 2. In what position, then, do we stand in respect to Austria? Is the treaty of December 2 binding on her or not? We have for two years been going on hand-in-hand with Austria, consulting her on all occasions, yielding to her advice, and deferring to her counsels, and hoping that the time would arrive when she would take active measures in co-operation with the allies. We have from time to time been disappointed, and now, in this last stage, we appear to be deserted, and left by her to our own energies and our own resources. There is a popular story among sailors of a mariner who saw what he considered a friendly flag in the distance; he altered his course and steered towards it, when all at once the strange ship disappeared and showed herself in another quarter of the horizon; the mariner then shifted his course and pursued the vessel, until she finally disappeared, leaving the mariner in an unknown sea, surrounded with rocks and quicksands, to his own energies and resources. I will not mention the name given to this strange vessel, as it might be considered personally offensive, but such has been the way in which Austria appears to have acted towards the allies. I believe that Austria has now entered into a silent understanding with Russia; that in pursuance of it she has withdrawn her forces from the frontiers of Galicia and other places, and that those two Powers have come substantially to a neutrality treaty.

I now wish to say a few words with respect to the manner in which the negotiations at Vienna have been conducted. A noble Viscount in the other House is said to have complimented the Plenipotentiary who represented this country, upon the great talent he had displayed in those conferences. Now, no person entertains a higher opinion of the talent of the noble Lord, our Plenipotentiary, than myself. I never knew a man, involved in difficulties and perplexities, extricate himself from them with more address and dexterity than that noble Lord, and I do believe that the noble Lord would voluntarily place himself in situations of difficulty in order to exhibit his skill in escaping from them. However, whatever talent the noble Lord displayed on the occasion, I am bound to say that the only Power that has obtained any advantage from the negotiations is Russia. Prince Gortchakoff said that the first two points out of the four were German points, and the only points on which Germany ought to be called on to make sacrifices. These two points were discussed at the beginning of the conferences, when everything went on with the utmost smoothness and calmess between the negotiators, and those two points were settled and agreed on to the satisfaction of all parties. What happened afterwards? The third point then came on the *tapis*, when Lord John Russell, with great suavity of manner, proposed that Russia should take the initiative. Prince Gortchakoff saw his advantage, and said he had no power to make proposals, and must refer to his Court for instructions. That was an operation which consumed considerable time, and eighteen days elapsed before an answer was obtained. How were those eighteen days employed? Through the medium of Prussia and other channels, communications were made to the lesser Powers of Germany, representing that Russia had conceded everything in which they were interested—including the protection of the Provinces, and the free navigation of the Danube—and that there was no reason why troops should be levied, why they should enter the field, or that expense should be incurred for these purposes. And this was followed up by distinct communications from Russia, in which she said in effect, "If you will remain quiet, and not take any part in this controversy, whatever may be the result of the conferences, I will adhere to all the engagements which I have already made." Then, was I not correct in saying that Russia had gained in these controversies advantages beyond all price? For we well know that the lesser Powers had ceased to make any preparations to assist Austria, and we know that Austria has never considered herself safe in taking up arms unless she were backed and supported by the lesser Powers. I am authorized, therefore, in making the statement which I have made. It is to be remembered that at the conferences the Plenipotentiaries on the part of the allies were as four to one against Russia. There was, in the first place, the slow and cautious Austrian, the more lively and active Gaul, the cool Englishman, and the sly and silent Turk on the one side, and on the other the wily Russian; and yet the Russian won the race from the field. After eighteen days had elapsed the conferences recommenced. I have stated that the utmost courtesy had marked the proceedings of the conferences, but although they were apparently conducted as before with the utmost courtesy and smoothness—although the same outward show of courtesy and politeness was maintained, it was evident that there was a change, and there was an undercurrent of sneers and sarcasm. Allusions not very flattering were made to the English, as to the seizure of Aden, observations as to a supposed desire of France to make a descent upon Tunis, and of backwardness to undertake operations on the part of Austria—all these oozed out from time to time—and there was an air of triumph visible throughout the subsequent negotiations on the part of Russia.

I shall now draw the attention of your Lordships to a consideration of the propositions that were discussed by the negotiating Powers, and I will say this—that, according to the best of my judgment and opinion, none of the propositions made by the allied Plenipotentiaries at the conferences were worth the paper on which they were written. I think the proposition on the part of the allies to reduce the naval power of Russia in the Black Sea, with a corresponding reduction on the part of Turkey, was one that never could be substantially carried out. There would have been temptations at all times to evade it; it would have produced continual quarrels, which ultimately would have terminated in war. When the noble Lord who represented England at the conference referred, as I think unfortunately, to the Treaty of Utrecht and the destruction of the fortifications of Dunkirk—when he alluded to that, I think he might have received from that treaty a little hint as to what was likely to be the result of the accession of Russia to the proposition made by the allies. That treaty was always meant to be evaded; it was evaded, in the most marked manner: it gave rise to continual disputes, and nothing was eventually gained by it. I think the example urged by the noble Lord at the conference must have satisfied them that no great reliance could be placed on the execution of that article. As to the counter-propositions of Russia, they were quite wide of the mark, and I think the Russian diplomatists must have laughed in their sleeves when they laid them before the Conference. After those conferences had terminated every one was in darkness as to what was going on at Vienna. That possibly might have arisen from some offer made after the noble Lord left Vienna: as when "some great actor leaves the stage," all eyes were turned on what would follow, but nothing definite could be learnt.

I shall now say a word or two on our present position and future prospects. Let us understand in what position we are now placed. The objects of the war are clear and distinct. It has been stated over and over again that it was to secure the independence of Turkey and the integrity of her dominions; and we have been told over and over again by all the leading Members, both of the late and of the present Administration that no peace will be satisfactory, nor shall we conclude any peace, except in a case of extreme necessity, unless these objects are attained. I do not wish, upon this point, that there should be any doubt upon your Lordships' minds, and I will refer, in the first place, to what was stated on this subject by the noble Earl who was at the head of the late Government. Your Lordships will recollect that some dissatisfaction was expressed at an explanation given by the noble Earl, and that, in consequence, he came down to the House two or three days afterwards to give a fuller explanation. He then expressed himself in these terms—

> "This we can say, that the independence and integrity of the Turkish empire must be secured —effectually secured; that security must be taken for the permanent independence and integrity of Turkey, so far as we can, from Russia. That is the real object from which we must not depart; we must by some mode obtain this object, and without it peace will be impossible." [See 3 *Hansard*, cxxxiv. 647.]

Such are the precise, specific, and strong words used by the noble Earl. My noble Friend opposite (the Earl of Clarendon) repeated them on more than one or two occasions, and stated that if peace were obtained without being based on the independence of Turkey and the integrity of her dominions it would be only a hollow truce, leading to new complications and to a new war. The noble Lord who was the leader of the other House of Parliament (Lord J. Russell), stated the same thing over and over again in very distinct terms, and made use of those remarkable expressions when alluding to the army before Sebastopol. I have not found that any Member of the late Government dissented from these opinions. I consider, therefore, that they are all, according to the principle of the constitution, not having dissented, bound by them. I confess, therefore, the surprise, nay, almost the astonishment, with which I have observed the course pursued by the four respected Gentlemen who have left the Cabinet of the noble Viscount. No man can admire more than I do the extraordinary eloquence of the right hon. Gentleman the Member for the University of Oxford, the great administrative talents of the right hon. Baronet lately at the head of the Admiralty, and the respectable talents of the other two Gentlemen who retired with them. But I must say that I do not regret—on the contrary, I rejoice—that they have retired from the Cabinet. With all their talents, they do not appear to me to possess that manly character, that vigour of mind, and that fixity of purpose which are essential to a Cabinet Minister at a period like the present; though in a time of calm and peace nothing could be more ornamental or useful than their services.

Now, my Lords, what is the policy which I recommend? Persevere. If you do not persevere, you will not only fail to obtain the objects for which the war was undertaken, but you will disgrace yourselves in the eyes of the world. Character is power. If the terms proposed at Vienna had been accepted, we should have been lowered in the light of other nations, while our rival Russia would have ascended in the scale of power. She would have been regarded by eastern nations as irresistible. No one would have dared to oppose her will. If you turn to the west, the influence she would have acquired in Germany would have increased a thousandfold. The chains of the lesser German States would have been riveted yet more firmly, and a severe blow would have been struck at the progress of civilisation. I rejoice, therefore, my Lords, that the terms proposed were not acceded to. Now, to what do I look forward? I am fully aware of the arduous nature of the struggle in which we are engaged, but I feel confident of the result. At the seat of war, where we have the command of the sea, we can maintain and support a much larger army than can be brought against us, and even with equal forces I have no doubt of the result. But, my Lords, what are we to do in the event of success? I venture to say—if I may give an opinion at the risk of exciting the sarcasm of the noble Earl opposite (the Earl of Ellenborough) that we must destroy Sebastopol. That fortress has been constructed for the subjugation of Turkey. During twenty years past the Russian Government has been expending enormous sums of money upon that fortress, and for the safety of Turkey we should raze it to the ground. That would be an act of retributive justice. My Lords, I must not be supposed to entertain, in this respect, an extravagant idea. I have very high authority for my opinion. I will quote to your Lordships the opinion of the late Prime Minister. That noble Earl (the Earl of Aberdeen) said—

> "Now, I humbly beg to remind the noble Earl that if there be one point more than another more vital to the safety and independence of the Turkish empire, and more clearly injurious to the power of Russia, it is the destruction of the fortress of Sebastopol. Therefore, having driven the Russians out of the Principalities, the next distinct object of the war, which everybody must have had in view from its very commencement, and from which we could only have been restrained by a doubt of its practicability, was an attack upon and destruction of Sebastopol."—[3 *Hansard*, cxxxvi. 90.]

If any one supposes that I have expressed an extravagant opinion, I have only to say that that opinion is sanctioned by the cool-headed Lord to whose declaration I have alluded. I do not wish to multiply these confirmations, but I may observe that the Duke of Newcastle, in his evidence before the late Committee, expressed himself in the same terms; and your Lordships will well recollect that the noble Lord who conducted the negotiations, after giving, in the other House, an elaborate description of the fortress of Sebastopol, and stating that it was as impregnable as the combination of art and science could render it, said that no peace could be safe so long as Sebastopol remained a standing menace to Turkey. I may be warned of the danger attending an eager pursuit of vengeance, but I cannot forget that the same doctrine applies to inordinate an unmeasured ambition. My Lords, I am not disheartened by the misfortunes which befell us during the last campaign, because I ascribe them all to the misconduct of the war on the part of the late Government. We had before Sebastopol, according to the description of the army given by Lord Raglan, 50,000 men, enfeebled by disease, among whom the cholera was raging, with a scanty supply of cavalry, with very insufficient material for operations in the field, and who, at an advanced period of the year, were required to attack perhaps the greatest military Power in the world, and to lay siege to one of the strongest fortresses of that Power. I must regard this as a most injudicious proceeding. It was well known to every man that as far as regarded siege defences nothing could be stronger than the defences of Sebastopol on the north side; but there was some vague surmise that on the south side the fortifications were incomplete. The least reflection must have satisfied any man that there could be no foundation for such an idea. The fortification of Sebastopol was a favourite project of the Emperor Nicholas, who had for twenty years expended enormous sums upon the defences of that fortress. The design of the Government has been supposed to be to surprise the place; but it must be remembered, my Lords, that the Emperor was not taken by surprise. He had sufficient notice of what was intended from the noble Lord who then led the other House of Parliament. It has been supposed also that Her Majesty's Government were ignorant of the military force of Russia in the Crimea; but we have it in evidence that the right hon. Gentleman then at the head of the Admiralty (Sir James Graham) that he had been informed by a person thoroughly acquainted with the Crimea and with Sebastopol, that the Russian army at Sebastopol consisted of 70,000 men, 40,000 of whom formed the garrison of the fortress, and 30,000 were in the field. I may venture to make this observation—that if we seriously intended to invest Sebastopol, besides having a covering army in the field, our besieging force ought to have amounted to three times the number of the troops by whom the fortifications were defended. I think, then, we may be satisfied of the injudiciousness—nay, of the absolute rashness—of our proceedings. I know that, as a civilian, I subject myself to the charge of presumption in venturing to give an opinion upon military matters, and on a former occasion I suffered from the sarcasm of the noble Earl (the Earl of Ellenborough) because I did express such an opinion; but there are blunders so apparent that even a civilian may discover and expose them, and those to which I have referred were, I think, of that description. Allow me to say that I have not heard a single military man allude to our operations who has not expressed the same opinion. I know Sir Howard Douglas stated, not as an *ex post facto* opinion, but while the proceedings were in progress, that the undertaking was hopeless, and could never succeed. If any one wishes to be acquainted with the foundation of that opinion let him look at the excellent publication of that gallant and distinguished officer, and consider the unanswerable arguments by which it is supported. What, then, was the result? Our army, with unparalleled bravery, stormed the intrenchments of the Russians at Alma, but it was found vain to attempt to besiege the northern side of Sebastopol with an army inferior to the besieged force, and the flank movement to the southern side became absolutely necessary. It was successfully accomplished; operations were commenced, the bombardment opened, and at the expiration of the very first day it was seen that a protracted siege must be looked for; and then commenced that continuous series of painful, horrible, heart-rending sufferings which no art could exaggerate and which no tongue could accurately describe, but which were borne with wonderful endurance and with unexampled fortitude by the victims of rash counsels and of a short-sighted policy. I must say I think that, under these circumstances, the conduct of the noble Earl who was then at the head of the Government was extraordinary, for in his address to the people of Aberdeen he stated that the rumour of the fall of Sebastopol was incorrect, but that in all probability at the moment when he was speaking the fortress was in our possession. In a period of such emergency—in a question of war or peace—involving the character of the Government and the safety of our army, the public had a right to expect that every man would have remained at his post to watch over an enterprise in which the result of the war depended. But, instead of that, with two or three exceptions, they found the Members of the Government spreading themselves in every direction as though it were a time of peace —some going to the Highlands, others to their country seats, while the noble Lord to whom I have more than once alluded, was lecturing upon history to an agricultural audience at Bedford, and amusing with philosophical speculations the industrious inhabitants of Bristol. I am not surprised at the indignation felt by the public at such conduct. The noble Earl at the head of the Government himself with remarkable candour admitted that he was not surprised at the general feeling of discontent and dissatisfaction which prevailed. At length the people looked round for some individual in whom they could have more confidence. As in the time of the Romans, when dictators were called into existence to sway the destinies of the country in a period of emergency, the people looked round for some man of great intellect and vigour to restore the lustre of the national character. In the case of this country a similar course was taken, and the voice of the country was in favour of the noble Viscount at present at the head of the Government. How far the noble Lord may have realised the anticipations of the people it is not for me to say, but I must remind the noble Lord that he who rests upon popular favour rests upon unstable and often dangerous ground. The people, like children, after a certain interval delight in breaking the toy which formerly amused them. In ancient times Pagan people have been known in a moment of indignation to destroy the idols on which in moments of danger and emergency they relied for support and protection, and the hierophants who engaged to perform a miracle were greeted when it failed with hoots and groans by the indignant worshippers. I should think that such facts as these ought to serve as a warning to the noble Lord, and ought to show him that nothing but the greatest vigour, extraordinary decision, and the most unceasing activity can maintain him in the position in which he has been placed.

THE EARL OF CLARENDON: My Lords, my noble and learned Friend has placed upon the Paper a notice of his intention "to call the attention of the House to the Treaty of the 2nd of December, 1854, and the recent Conferences at Vienna, with reference to the position of Austria in her relation to the allied Powers." Now, my Lords, I think that my noble and learned Friend, particularly in the latter part of his eloquent speech, has greatly deviated from the intention which he expressed in his notice, and I think that your Lordships will pardon me if I adopt a different course, and do that which the noble Lord seems to have intended—namely, call your attention to this particular subject. In the early part of his speech my noble and learned Friend made, as he was sure to make, a most able and lucid statement; but I am certainly not aware that any practical utility can result from the course which he has pursued; neither has he offered any suggestions or made any particular inquiries; neither shall I remark upon the judicial sentence which he has passed on the conduct and proceedings of Austria. I must say, however, that the tone of my noble and learned Friend's statement is very different from that of which we have had too much in the last two years. Let me observe that on various occasions, with reference to speeches and writings in and out of Parliament, it has been my duty to watch the effects produced by that tone in foreign countries, and I am sorry to say that it has made us many enemies, more particularly in Germany. When this war began, we had the warm sympathies and good wishes of four-fifths of the German people. They were disgusted with the bonds in which their Governments were held by Russia; they well knew that the efforts of Russia were directed to the creating disunion in Germany, and the arresting progress and freedom in that part of the world. We, therefore, had their warm sympathies, and there was a feeling almost of shame that England and France should engage, almost alone, in a cause which was more immediately and essentially German than it was French and English. But, my Lords, I am sorry to say that these feelings have been greatly changed in consequence of the tone which has been adopted in this country towards foreign countries, and towards Germany in particular. There has been so little courtesy or consideration—there has been so little desire to distinguish between our friends and our enemies—so great an aptness to consider that all those who were not entirely with us were against us—that a feeling of resentment has been generated against us; and I am sorry to say I have observed, especially since the termination of the Vienna Conferences, great industry in spreading whatever is calculated to be injurious to this country. I am glad that the difficulties and embarrassments arising from this source have not been increased on this occasion by my noble and learned Friend. I do not intend to follow him through the various topics to which he has alluded. I feel that I speak under the responsibility of my position; and in the position which I have the honour to fill, I am determined that I will not go beyond the strict line of my duty. I would rather, my Lords, expose myself to the censure of your Lordships for undue reserve than for any indiscretion. In the few observations which I have to address to your Lordships this evening, I will not be the apologist of Austria. I appeal to my noble and learned Friend (Lord Lyndhurst) whether I have not said on various occasions, when speaking on behalf of the Government in this House, that in our opinion Austria would have better consulted her dignity and her interests in reference both to Russia and to Germany if she had from the first adopted a firmer tone, and pursued a more dignified course; I believe, with my noble Friend, that she would, in that way, have greatly promoted, nay, have secured, the restoration of peace. But, my Lords, Austria is a great and an independent Power; and although we may wish that her views and policy were identical with our own, we have no right to attempt to coerce her. She is guided by what she considers her own interest; and we have really no means of inducing her to do what she feels is not for her own interest. But, my Lords, being engaged in war with the Sovereign of a vast territory, the extreme points of which are alone accessible to us, it was of the utmost importance to us to secure the alliance of a Power whose interests were identical with our own, whose territory was contiguous to that of our enemy by his land frontier, and who had the means, and had announced his intention, of placing 350,000 men in the field. Under such circumstances, I think it would have been an unpardonable want of foresight — I think it would have been a blunder for which we should have been justly reproached—if we had neglected by every means in our power to endeavour to secure the alliance of Austria; or if, by menace or by undue pressure, we had driven Austria into the opposite scale, or forced her to do what would have served the interest of Russia equally well—to assert that neutrality which has been adopted by Prussia, and which would at once have relieved Russia from all apprehension of her. I think, therefore, my Lords, we were bound to show great deference for Austria, and to be mindful of the peculiar difficulties of her situation, and in reviewing all to which my noble and learned Friend has alluded to this evening, I really see nothing to repent of or to regret in our proceedings with respect to Austria. At the same time I must say, that in no way, and at no time, have our communications with Austria in any way influenced or interfered with our military operations. Even in the last negotiations at Vienna, though we certainly looked for the result of those negotiations either in the restoration of peace, or in the securing the active co-operation of Austria with us, yet we never for one moment relied upon this; we looked upon the co-operation of Austria as an advantageous contingency, but as nothing on which we could count, or for which we ought to wait; and so determined were Her Majesty's Government that there should be no misconception on this subject, that the Duke of Newcastle, long before the negotiations had begun, having ascertained that the French Government would take the same course, wrote a long letter to Lord Raglan—I believe in the first week of January —to say that he was not to relax his efforts upon the probability of any alliance with Austria, but that, on the contrary, Her Majesty's Government believed that negotiations would be accelerated rather than retarded by a vigorous prosecution of the war, and that they believed nothing would more tend than great military successes on the part of the allies to the conclusion of an honourable peace. And, my Lords, I believe that, if while these negotiations were pending Sebastopol had fallen, we should have either secured peace with Russia or obtained the immediate and active co-operation of Austria. My noble and learned Friend has described the course taken by the Government as one of confusion—as one in which they have been led away by a phantom ship—and as one in which they have been deceived by Austria. Now, if we have been deceived, Austria must have been insincere, and I believe that, whether as respects Governments or individuals, there is nothing more difficult than to test insincerity. If your friend, whose interests are identical with your own, whose opinions coincide with your own, and who is prepared to make great sacrifices in order to carry out these opinions—if he all at once becomes what my noble and learned Friend calls cautious, stops short, and for reasons which you cannot admit as valid, refuses to go with you any further, you may be apt to doubt his sincerity from the first. But that conclusion may be erroneous, and I think it would be the case as respects Austria. All I can say is, that from the first Austria identified her interests with those of France and England on what is called the Eastern Question. She took precisely the same view as they did of the aggressive acts and intentions of Russia; she agreed entirely with them in the necessity of putting a check upon her aggressive acts; and although just before the commencement of the war she had, from urgent motives of economy, reduced her army by 90,000 men, she has. since the war commenced, expended 16,000,000*l.* sterling in recruiting and strengthening that army, in placing it on a war footing, and in erecting great barriers against the apprehended invasion by Russia on the Polish frontiers. Those 16,000,000*l.* furnish, perhaps, the best argument I could use if I were intending to prove the sincerity of Austria, because if it had been the object of that Power to deceive us, she might have made the experiment at a much less cost. I may also state that Austria never required any impulse from France or England in her proceedings and in the engagements into which she entered; on the contrary, it was she who volunteered to enter into binding engagements, saying that she wished to contract a closer alliance with England and France; it was she also who proposed the treaty of the 2nd December, which my noble and learned Friend has criticised in terms, the justice of which I cannot quite admit, because the position of Austria was essentially different at that time from that of England and France. England and France were then active belligerents, while Austria was only a contingent belligerent; but she contemplated being at war with Russia, and it was stipulated accordingly—France and England agreeing—that if she did go to war with Russia there should then be an offensive and defensive alliance between the three Powers. She also stipulated that if peace were not to be established on certain bases by a certain day, then the treaty and her engagements with the Western Powers should come into force. The 1st of January was actually fixed by Austria herself, and when the conferences began Count Buol did make that very unequivocal declaration to which my noble and learned Friend alluded—namely, that, having entered into certain engagements with her allies, Austria was determined, whatever might be the consequences, to carry out those engagements. Therefore, my Lords, if Austria was all this time intending to deceive us, I must say she was attempting to do so in a very clumsy and ill-advised manner, because the only result of what she did would be to bring into view her own bad faith with England and France. The only object which she could thus have proposed to herself would be to retard or cripple our military operations. That, however, she did not do, and never attempted to do—on the contrary, any military successes we gained were received with expressions of the liveliest satisfaction at Vienna; and your Lordships will well remember the telegraphic despatch from the Emperor of Austria to the Emperor of the French and the Queen of England, congratulating them on a great event in our military operations in the Crimea—the supposed fall of Sebastopol—and desiring to associate herself with them in the consequences that might result from that great event. My noble and learned Friend justly says that Austria, at the conferences, brought forward the same proposals, expressed the same opinions, and supported them in exactly the same language as the Plenipotentiaries of England and France; and it was only when these proposals were rejected, when the Plenipotentiaries of England and France declared that they could go no further, that Austria then said there were other means by which the third point might be carried into effect, and that those other means ought to be tried. The conferences were adjourned *sine die;* and so they would have remained, but Count Buol said that their continuing in that state was the cause of embarrassment to all parties, that it gave rise to suspicion, and he wished that the conferences should be closed, and that he might redeem the pledge he had given at the former conference to make one last attempt to bring the belligerents together. The answer to this was, that we must see the proposal before we could give any opinion upon it. That proposal was sent to us; we declined it, and said that the Plenipotentiaries of England and France could only attend the conference for the purpose of its being closed. Count Buol knew beforehand that his proposal was to be refused, and I apprehend he simply brought it forward at that conference because he had pledged himself at the previous one that he would bring forward something. The conferences being thus at an end, as your Lordships are aware, we did say to Austria that we thought the time was now come for her to fulfil the engagements she had entered into. Her answer to this in substance was, that, although Russia had not agreed to the proposal made to her with regard to the third basis, there were other means of giving effect to that basis—that, for example, there was the system of counterpoise; that there was the opening of the Straits when the Sultan thought himself in danger; that there was a tripartite treaty to secure the independence of Turkey by which arrangement the preponderance of Russia would be put an end to, and all anxiety for the maintenance of the Ottoman empire would cease; and that consequently, as these terms had been rejected by the Western Powers, Austria did not think herself bound to join them in taking an active part in the war. My Lords, I need hardly say that that is not our view of the engagements which were entered into by Austria, or of the fulfilment of the treaty. But, as it is particularly on this point that my noble and learned Friend dwelt, and directed your Lordship's attention to the course which Austria has pursued, I think we ought, perhaps, in justice to consider what might be the motives for the decision of which we not unnaturally complain. My Lords, I think that when Austria entered into these successive engagements with England and France, and when she made those extensive and costly preparations for war—when, moreover, she urgently proposed that military commissioners should be sent by France and England to the head-quarters of General Hess, I have no doubt she intended and expected war. But I do not think she intended to go to war single handed. She expected that long before the season for military operations began the allied armies would have obtained such decisive advantages in the Crimea that they would be free, and would be able to undertake other operations in concert with her own forces. That, unfortunately was not the case; and if Austria had at our invitation at the close of the conferences declared war, she would in all probability have had to wage that war single-handed. The allies could not, up to this time, have lent her any assistance—at all events they could have undertaken no important diversion in her favour; and if we could not do this, could she expect assistance from Prussia? Could she even count upon the neutrality of Prussia? Could she reckon upon the goodwill of Germany, and feel sure that she might not have had to deal with enemies in her flank and rear as well as in her front? She might have been exposed to disasters in her own territories which France and England would have been unable to divert. It is, moreover, to be considered that the finances of Austria are not in that state in which they perhaps might be, which may perhaps be attributed to her restricted system of commerce rendering her revenue unequal to defray the expenses of her vast empire; and consequently her military expenditure not being confined to her financial means, tend to prevent her occupying that situation to which she is entitled as a first-rate Power. My noble and learned Friend has asked me what is our real position with reference to Austria, and I will proceed to answer that inquiry. Austria has announced to us that she will continue to occupy the Principalities, by virtue of the treaty with Turkey, until peace shall be concluded. To that announcement I can offer no objection, because the occupation of the Principalities by Austrian troops under the terms of that treaty prevents Austria from assuming a position of neutrality. The occupation by a State of the territory of one belligerent against the aggression of another is not an act of neutrality; but on the contrary, Austria, by her occupation of the Principalities, has committed an act of hostility against Russia which would justify Russia in declaring war against her. I repeat, my Lords, that as long as Austria occupies the Principalities in virtue of her treaty with Turkey, she cannot be considered a neutral Power. We must also bear in mind that if Austria were not to observe the treaty into which she has entered with Turkey, but were to evacuate the Principalities, there would be no security against the return of the Russians, and the renewal of operations along the whole line of the Danube, and it would therefore be impossible to obtain the aid of the army of Omar Pacha in the campaign in the Crimea. On the other hand, we have announced—I am still answering the inquiry of my noble and learned Friend—that as the four bases were to be maintained in their entirety, and that as the third basis, which is of the utmost importance, has been rejected, and the responsibility of breaking up the negotiations at Vienna does not rest upon us, but upon Russia, we consider ourselves entirely disengaged from those bases of negotiation. At any future negotiation there is not the least doubt that the principles on which those four bases were founded must be discussed, but England and France have reserved to themselves the right of entering into any such negotiations perfectly free and unfettered, and of insisting upon such conditions as they may consider most advantageous to themselves, and which the events of the war may justify them in demanding. My Lords, as I have said, I am compelled to abstain from following my noble and learned Friend through the whole of his speech, but I have endeavoured to answer the inquiries which he has addressed to me. We can have no object in censuring or causing misunderstanding with Austria, and I hope I have said nothing in any way calculated to disturb that good understanding which, in the event of our obtaining military successes, I do not despair of seeing drawn still closer. I have stated why I think that our position in regard to Austria is such as to justify censure or to excite alarm. I repeat, that at no time has that position influenced our military operations; and I also say that our position as regards the future, so far from being worse, has improved by the result of these proceedings, for England and France are left unfettered and free to insist on such terms of peace as may appear to them most advantageous; but this I can say, that, while they have in no way affected our military operations, the result of those proceedings has been advantageous with regard to our future position, because they have left France and England unfettered and free to make such terms of peace as may appear most advantageous.

THE EARL OF ELLENBOROUGH: I do not wish, my Lords, to detain your Lordships at any length, but some few words I am desirous of saying with respect to the important question which has been brought forward by the noble and learned Lord. I am not about to censure the Government for having used their best endeavours to conciliate Austria and to obtain her concurrence in those measures which the allies have thought fit to adopt with respect to Russia in order to protect the Turkish Empire; for it was of the greatest possible importance to obtain that concurrence. I am not about to censure Austria for the cautious policy which she has pursued, for I think that caution on her part was perfectly justified by the peculiar position in which she stood; nor am I about to complain of the termination of the negotiations at Vienna, or of the course which Austria has since then pursued. I admit, my Lords, that Austria has performed great service to the allies and to Europe. She found herself at the commencement of these transactions with an army reduced in strength, with finances in a state of depression; and, nevertheless, she has exerted herself to the utmost, and has used every effort to place her army on a war establishment; she has placed an army in a position threatening to Russia, and has, to a great extent, by that diversion, prevented large Russian forces from acting in the Crimea. Austria not only has effected this object, but she has to consider her own position in Italy, in Hungary, and in Poland, and there can be no doubt that her position of armed inactivity has preserved tranquillity in all those countries. My Lords, as long as Austria has remained armed, although she has not engaged in action, she has not only preserved tranquillity in those countries, but she has checked the unscrupulous ambition of Prussia, and has induced other German States to look rather to German interests than to be subservient to Russian influence. By the treaty of June, concluded with Turkey, Austria moved her forces into the Principalities and thus practically effected the evacuation of those territories by the Russians; and by a subsequent engagement she has bound herself to prevent the return of the Russian troops. This Austria has accomplished by arming herself and by placing a military force in a position threatening to Russia. But she offered to do still more. Before the expedition to the Crimea was despatched, Austria proposed to communicate with the allied Powers on the subject of future military operations. Acting, however, upon preconceived opinions, the allies determined to send that expedition, and then Austria at once said that she could not meet the Russians single-handed, and that the expedition to the Crimea rendered it necessary for her to adopt a different course of action. At a subsequent period, just at the commencement of the Conferences at Vienna, when it was of the greatest possible importance that Austria should act with us—at that time, still looking to nothing but the success of your operations in the Crimea—you withdrew from the immediate vicinity of Austria 50,000 good Turkish troops, thus depriving Austria of the only assistance on which she could rely in the event of military operations being directed against her on the part of Russia. It is clear, therefore, my Lords, and also from the statements of the noble Earl, that it is our ill-advised expedition to the Crimea which has paralysed the policy of Austria, and which has reduced her to a position of such difficulty as to prevent her at once adopting a course which is essential for her honour, her dignity, and her interest. Before that expedition sailed to the Crimea I ventured to counsel the Government as to what the necessary consequences of it would be. I counselled them as to the effect which that expedition would produce upon the policy of Austria. Her Majesty's Government, however, disregarding—I will not say my counsel—but disregarding the obvious policy which they ought to have pursued, adhered to their original plan, and their adherence to that plan has deprived us of the co-operation which they ought to have secured. It has been, I admit, of the greatest importance that Austria has, although she has remained tranquil, held an armed position on the frontiers of Russia. By that armed position Austria has afforded a security for the tranquillity of some of the central States of Europe, and has thus enabled France to detach such large masses of her troops upon actual service to the Crimea; whereas, if those countries had not been kept tranquil, the difficulties of the allies would have been increased, and great doubt might have been created in the mind of the Government of France as to the safety of despatching such large bodies of troops to the seat of war. It would, no doubt, be a great advantage to us if Austria and Prussia were to act with us in the war, and, obtaining great success, were to move upon Warsaw; but what, on the other hand, would be the effect if Russia, in a career of military success, were to advance to Olmutz? Recollect that all war has its chances, and the chances of success on the part of Russia are at least equal to those on the part of Austria. Faithful as I am to the principles on which this war was entered upon, I confess that I do not desire to see its extension to the central parts of Europe if that dreadful calamity can by possibility be avoided; and if I could have my choice as to the position of Austria, I would say,—"Be armed—be strong—be always ready to strike; but withhold your hand until that extremity occurs which may justify your action, and also ensure to you almost certain sucess." But, my Lords, while I so far approve the conduct of Austria, commend her caution, and admit that she has acted in conformity with her interests and with the dictates of political prudence up to the present instant, what excuse can I offer, what apprehensions must I not entertain, if I am to credit those reports which are daily circulated of the intended reduction of the Austrian forces? My Lords, I care little about her diplomacy, but I attach great importance to her military position. If Austria should have really determined to make a large diminution in her army, that is indeed an event of the greatest possible significance. It indicates an entire change in her purposes and in her policy. I see that already 24,000 of the Russian Grenadiers, who were but lately retained on the frontiers of Gallicia by the menacing presence of the Austrian troops, have marched towards—if they have not by this time entered—the Crimea. It is not merely because of its effect upon us in our war with Russia; it is because of its effect upon her own position among the great States of Europe, that I deprecate and deplore this measure, if it has actually been adopted by Austria. She is placing herself upon a level with Prussia—she is reducing herself from the rank and influence which she ought to possess as the first German Power—she is depriving herself of the means of protecting Turkey by the instrumentality of negotiation; for be assured, my Lords, it is not the extent of territory possessed by any nation, nor the amount of its population, neither is it even the greatness of its financial resources—which gives a State its real influence in negotiations; it is, rather, the extent and the real value of its disposable military force, carefully scanned as they are by all who negotiate with it, which give it its true weight and effect in the scale of nations. My Lords, looking at what I fear are our own changed prospects in consequence of this reduction of the forces of Austria, I confess it is impossible for me not to regard with great apprehension the position in which we ourselves stand. I regret that the noble Lord at the head of the army has left the House, because I am unwilling in his absence to speak upon a matter altogether connected with our means of maintaining our forces in a state of efficiency; but I do most earnestly press on the attentive consideration of Her Majesty's Government the new circumstances of difficulty in which we are placed. To be allied with France, Turkey, and Sardinia, and to have the hopes of moving into the field at some favourable moment 350,000 of the disciplined troops of Austria, was undoubtedly a state of things to which we might look with some degree of confidence in the future issue of the war; but if we are suddenly, by the diminution of the Austrian army, to be compelled to dismiss from our minds the hope of receiving at any time any such assistance, and to look around us and discover that we must rely henceforward upon our own resources alone, I say it is the bounden duty of the Government to consider most earnestly and seriously in what our military means may at once be largely increased; and without loss of time to propose to Parliament measures which, under present circumstances, are absolutely essential to secure such a conclusion of the war as shall be consistent with our own honour and with the security of the ally whose interests we have at heart. It has been said that this is a statesman's war, and certainly it deserves that appellation, although it has been adopted temporarily by the people; but be assured, my Lords, that if statesmen do not take care what they are about, the people, disgusted with failure, will at no distant period, leave them to fight out the contest by themselves.

THE DUKE OF ARGYLL believed that if, in order to secure the co-operation of Austria, we had sent our army beyond the Danube, that Power might possibly have aided us in advancing to the frontiers of the Principalities; but there was nothing to lead us to suppose that she would have continued to render us her active support in any offensive operations across those frontiers; and her mere expulsion from the Principalities would have been insufficient to bring Russia to those terms which were indispensable for the satisfactory termination of the war. It had been asserted that the recent negotiations at Vienna were ill conducted on our behalf, and that nobody gained from them but Russia, because, it was alleged, Austria learned for the first time, through those negotiations, that Russia was willing to concede to her the two points out of the four in which she was most interested. But to this it might be answered, that this intimation to Austria might, and probably would, have been given by Russia if England and France had refused to enter into any conferences at all; and it should be remembered that we did not volunteer to enter into those conferences, but consented to join in them in consequence of an intimation from Russia, through Austria, after the battle of Inkerman, that she accepted not two of the points, but the whole four as the basis of a settlement. It was, therefore, with the view of endeavouring to discover a mode of giving effect to the terms that had been accepted by Russia that the negotiations were resumed at Vienna; and, if we had altogether declined to enter into the conferences, we should not have been a step nearer ensuring the active co-operation of Austria in the war.

LORD DENMAN thought that so many people in so many places had censured, discussed, and condemned

> "Bellique causas, et vitia, et modos,
> Ludumque Fortunæ, gravesque
> Principum amicitias, et arma
> Nondum expiatis tincta cruoribus—
> Periculosæ plenum opus aleæ,"

that great mischief had been done. He considered it of importance that rulers of great kingdoms, on whose conduct the happiness of so many millions depended, should be treated with respect. He recollected well the circumstance of the Duke of Wellington's describing to his (Lord Denman's) father the feelings of indignation that were excited in the breasts of potentates by unfounded assertions respecting their designs and conduct. He would not truckle to any Power, however unlimited; but unnecessary vituperation did appear to him to oppose such obstacles to a safe and honourable peace, as must be regretted by every thinking man. How much better was the feeling produced between us and Prussia by declarations like those of Mr. Huskisson, which he would read, although they referred to a time of peace.

> "He (Mr. Huskisson) knew that the King of Prussia intended to abate his retaliation when England relaxed her regulations. Indeed, he had the best authority, that of the Prussian Minister in this country, for knowing that such was the intention. That Minister had stated, in his note, the principle of his Prussian Majesty to be an admission that reciprocal commercial restrictions were reciprocal nuisances prejudicial to all nations having reciprocal interests, and particularly to those engaged in extensive commerce; and that the policy of Prussia was to substitute, in the place of reciprocal prohibitions, reciprocal facilities."

It was grievous to hear noble Lords, whose blood must be as cool as that of St. Januarius before liquefaction, pointing out all the faults of past and present rulers, and designating their kingdoms as less than first-rate, by which the jealousy of kings and peoples must inevitably be aroused. With regard to Austria, she has disbanded her troops because the war demands upon the finances of her empire—not yet increased by commerce on the Danube with all Europe—have curtailed her resources. The noble Lord continued, that, instead of coercing the people to serve in the army, as suggested by the noble Earl (the Earl of Ellenborough), he would in this guarded way try to remove some of the obstacles (which should never have arisen) to the attainment of a secure and honourable peace.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 26, 1855.

MINUTES.] PUBLIC BILLS.—1° Charitable Trusts; Medical Profession.

BIRKENHEAD AND LIVERPOOL DOCKS BILL.

On consideration of the Report,

MR. MILNER GIBSON said, he wished to move as an Amendment the insertion of the words "such dues and such right," to prevent ambiguity in a clause which had been inserted, in order to preclude the question of the Liverpool town dues from being affected by the Bill. A Commission had been engaged in inquiring into the local dues levied upon ships and goods in various parts of England; and doubtless it was the intention of Parliament to legislate on the subject. The Board of Trade had likewise recommended that, in any Bill of this kind, for the amalgamation of the Liverpool and Birkenhead Docks, an object no doubt of great public utility, care should be taken that Parliament should not be fettered in dealing freely with any dues which were now levied, inasmuch as those dues would become security for the money to be raised under the Bill. The Select Committee upon the Bill, in their Report, stated that the question of the Liverpool town dues had only come incidentally before them, as a portion of the existing revenues of the corporation. The Board of Trade sent down a clause, which they advised to be inserted, "that nothing contained or to be done under the provisions of this Act shall be held to prevent any dues now forming part of the borough fund being dealt with by Parliament." The Committee, however, instead of accepting that clause, inserted another, which the counsel for the Liverpool corporation had so drawn up as if what it was sought to guarantee were the power of the courts of law to judge of the title of the Liverpool corporation to these dues. Now, that was not the real issue; and as great public interests were involved, he wished to move this Amendment to give the clause the effect which was intended.

Mr. LABOUCHERE said, that as Chairman of the Committee, he hoped the House would not allow any alteration to be made which might hazard the passing of this most important Bill. There had been two Bills introduced, the Birkenhead Docks Bill and the Liverpool Docks Bill; the former of which involved works on the Birkenhead side of the river, at an expense of 1,500,000*l.*; and the latter Bill to enlarge the dock accommodation on the Liverpool side of the river, the expense of which would be not less than 3,500,000*l.* It was evident that this immense extension on the Liverpool side was caused only by the jealousy which had been excited by the rising prosperity of Birkenhead. Under these circumstances, the Commitee took the unusual step of recommending the parties, instead of spending their money in a fruitless contest, to amalgamate the property on both sides of the river, and put the docks on the Birkenhead side and the Liverpool docks together under one public trust, elected by a public constituency, and responsible for the good management of the whole. The result of that arrangement was, that the expenditure to be authorised by the Liverpool Docks Bill was reduced to 800,000*l.* It would, therefore, be much to be regretted, if the House should, upon any point of secondary importance, prevent the conclusion of an arrangement which was equally calculated to promote the prosperity of Liverpool, and of the great manufacturing district of which it was the outport.

Mr. BRIGHT said, he should support the Amendment, and he would at the same time remind the House, that the question involved amounted to no less than a matter of 150,000*l.* a year, raised by the corporation of Liverpool upon goods which belonged not only to Manchester, but to the whole manufacturing district of the north of England, and was expended for municipal purposes in the town.

Mr. BOUVERIE said, if the clause of the Bill fully carried out the views of the Committee, and also the wishes of the Board of Trade, he would support it; but believing that the corporation of Liverpool had out-generaled both the Board of Trade and the Committee, he considered it his duty, on the part of the public, to see that the intentions of the Board of Trade were fully carried out, and that without any ambiguity of expression; therefore he should support the Amendment. He believed the Committee were unanimous in respect to this question. The real object which the Board of Trade had, was to secure the right of Parliament hereafter to deal with the town dues which the corporation of Liverpool now possessed. The clause in the Bill created an ambiguity and doubt as to the future appropriation of these town dues, and the amended clause now proposed by the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) would obviate that ambiguity and protect the public rights.

Mr. WALPOLE said, he regretted the use by the hon. Gentleman who had just spoken of the expression that the promoters of the Bill had out-generaled the Board of Trade. The hon. Gentleman had stated that there was no opposition in the Committee, but there was a division in the Committee on this very question, and he trusted that the House would support the decision of the Committee. The promoters of this Bill never would have gone into this undertaking if they had supposed that this clause would be altered in the way proposed in the Amendment.

Mr. MONTAGU CHAMBERS said, he thought that if they did not agree to the Amendment, parties who advanced their money might, when Parliament came to deal with the question of town dues, say that they had been unfairly dealt with.

Mr. HORSFALL said, he very much regretted that the right hon. Member for Manchester (Mr. M. Gibson) had thought it necessary to move this Amendment. The right hon. Gentleman forgot that the Bill was before the Committee three months, and it was after full consideration that they adopted the clause. The clause was of that importance, that the promoters were advised that if the Amendment were carried it would be fatal to the Bill. [Mr. M. Gibson: Why?] Because they felt that if it were carried, they must withdraw the Bill. [Mr. M. Gibson: Why?] Because it would prejudice the rights of the corporation of Liverpool. The object of the Committee was to insert a clause which should not prejudge the rights of the corporation, and he therefore asked the House to support the clause which the Committee had framed for that object.

Mr. GRANVILLE VERNON said, he was responsible for the clause as it stood. They altered the phrase, "the right of the corporation," to "any right of the corporation," in order not to prejudice the question. There was no difference of opinion in the Committee as to the principle of the Bill.

Mr. CARDWELL said, he had listened with great interest to this debate, and it appeared to him there was one clear meaning that pervaded the House and the Committee—namely, that this Bill should stand on its own merits, to effect its own objects, and that there should be nothing in the Bill that might be pleaded in bar hereafter to any public measure that might be introduced in conformity with the Report of the Commission on the table. Now, they were not a good tribunal for the exact legal definition of different words, and he acknowledged for himself that he felt great difficulty in appreciating the precise difference of the meaning of these two words; but he did not expect, if the House passed this clause as it stood—he did not believe that at a future period his hon. Friend the Member for Liverpool (Mr. Horsfall) would get up in the House of Commons and say, the clause had an effect which they did not intend. He believed that when a measure affecting this subject was brought forward in the House of Commons that measure would receive a full and dispassionate consideration, and that they would utterly ignore the fact that this clause had been inserted in a private Bill. He should be sorry that they should prejudice the understanding by a division, and therefore he thought that his right hon. Friend would do well to accept the clause without a division.

Mr. MILNER GIBSON: If that is the understanding clearly, that we all mean the same, that Parliament does not mean to prejudice the question of these dues, I will not divide the House.

Amendment, by leave, *withdrawn*.

Clause *agreed to.*

GOVERNMENT CONTRACTORS—MR. LINDSAY.

Mr. MALINS said, that the House would doubtless remember, that yesterday he put a question to the right hon. Baronet the First Lord of the Admiralty, with regard to certain charges made by him against the hon. Member for Tynemouth (Mr. Lindsay) as to his being interested in Government contracts. He (Mr. Malins) then appealed to Mr. Speaker as to whether this did not involve a question of a breach of privilege, and received the answer he had expected—namely, that anything affecting a Member's seat in that House involved a question of a breach of privilege. He then gave notice that he would bring the question before the House that evening, and handed to the clerk a notice to the following effect—that he would call the attention of the House to certain statements in the speech made by the First Lord of the Admiralty on Friday last, conveying to the House the impression that the hon. Member for Tynemouth was interested in the Government contracts. He found that an objection was taken to the form of this notice, because it referred to what had taken place in a bebate on Friday last; but, unless he could so refer to that debate, he felt it would be useless to bring this question before the House. The notice was given in direct terms, which would have required the hon. Member for Tynemouth either to admit or deny that he was interested in the Government contracts. If he denied that he was, the First Lord of the Admiralty would then have had to make the concessions which the case required. Finding, however, that he could not take this course, he was driven to give notice of an insignificant Motion, stating he should move for the contract with reference to the transport *Robert Lowe*. He was aware that, in moving for that contract, he should not be able to obtain, either for himself or the House, the slightest information on the subject he had in view, and he therefore wished to ask the right hon. Gentleman in the chair, whether he was at liberty to refer to the debate of Friday last? for, if he could not do so, it would be useless for him to proceed with his Motion.

Mr. SPEAKER in reply, said, that, the notice of Motion which was given by the hon. Member was most irregular, as it stated that it was given for the purpose of calling attention to a speech and statements which had been made on a previous night. If the hon. Member intended to take notice of the speech, he ought to have done so on the night on which it was made, or, at all events, the part of the speech on which it was intended to found proceedings ought to have been taken down at the time; but this had not been done. The hon. Member, no doubt, might refer to that speech in general terms, but he could not do so in the special and particular way of which he had first given notice.

SUNDAY TRADING BILL—QUESTION.

Mr. OTWAY said, he wished to ask a question of the right hon. Baronet the Secretary of State for the Home Department, with reference to the Sunday Trading Bill. He might state, that there had been a considerable manifestation of feeling out of doors, in consequence of the progress of the Bill, and he had last night asked the noble Lord (Viscount Palmerston) whether it was his intention to use his influence, in order to prevent the noble Lord who introduced the Bill from proceeding with it; and the noble Viscount stated in reply, that it was not the intention of the Government to interfere with the measure, but that they should leave it to the House to deal with it as they might think fit. He wished now to ask the right hon. Baronet, because the provisions of the Bill would materially concern him in his capacity as Secretary for the Home Department, whether the Bill had received his sanction, and whether, in case it was proceeded with, it was his intention to support or oppose its further progress?

Sir GEORGE GREY said, it was not his intention, if his noble Friend (Lord R. Grosvenor) should persevere with the Bill, to offer any opposition to the House going into Committee upon it; but when it was in Committee he should state his opinion, as he had already done, in reference to any Amendments that might be proposed.

Mr. GIBSON said, he would beg to ask the right hon. Baronet the Home Secretary, whether the House were distinctly to understand that the Government assumed no responsibility whatever with respect to this measure?

Sir GEORGE GREY said, the Bill was not a Government measure, but it had been introduced by the noble Lord the Member for Middlesex (Lord R. Grosvenor), and supported, he believed, by almost all the metropolitan Members. [*Cries of* "No, no!"] The Government were not at all responsible for it, but he had already expressed his opinion upon many of its details, and he should be prepared to do so with regard to any other question that might be brought before the House.

Mr. MASSEY said, he wished to inquire whether the noble Lord the Member for Middlesex intended to persevere with the Bill?

Lord ROBERT GROSVENOR said, he had no objection to reply to the hon. Gentleman's question, but he hoped the House would indulge him by allowing him to do so at some length. He supposed that the hon. Gentleman had put the question in consequence of what had passed in Hyde Park last Sunday. He begged to inform the House that since that meeting took place he had received several letters from working men in which they spoke of the persons there assembled in no very complimentary language. ["Hear, hear."] He did not intend to speak in uncourteous terms of those persons, for he thought an expression of opinion on the part of the very humblest classes of society ought not to be treated with indifference or contempt, provided always that such opinion was expressed in a proper manner.

Mr. ROEBUCK rose to order. He wished to know whether an hon. Member, in replying to a question, was allowed to make use of arguments which ought to be answered at the time they were used.

Mr. SPEAKER said, the noble Lord was certainly not in order, but he had appealed in commencing his reply, to the indulgence of the House. An hon. Member, however, having taken an objection to the noble Lord's proceedings, who was not strictly in order, he should suggest to the noble Lord to postpone his observations till the Bill came before the House.

Lord ROBERT GROSVENOR, in reply to the hon. Gentleman (Mr. Massey), said the responsibility of the Bill did not rest with him, but with the House, and he did intend to press it.

OFFICIAL SALARIES—QUESTION.

Mr. W. WILLIAMS said, he wished to ask the First Lord of the Treasury whether in compliance with the vote of that House on the 22nd of May, the Government intended to carry into effect the recommendations of the Select Committee of 1850 respecting official salaries?

Viscount PALMERSTON said, the recommendations of that Committee were maturely considered by the Government at the time—many of them were carried into effect, some were not, and explanations on the subject were then given to Parliament. What had passed on a former evening did not at all touch the question of official salaries, for the discussion turned entirely upon certain diplomatic appointments, and the salaries attached to some of those appointments. The resolution was carried, although the hon. Gentleman who had proposed it announced his intention of withdrawing it, by one of those surprises which sometimes took place when no one expected a division. He could only say, that he thought the regulations suggested in the speech of the hon. Gentleman who moved the Resolution could not be carried into effect without great injury to the public service.

Mr. AYSHFORD WYSE said, in consequence of the unsatisfactory answer of the noble Lord, he now gave notice that he should, on Tuesday, the 10th of July, move that an humble Address be presented to Her Majesty, praying that Her Majesty may be most graciously pleased to issue Her Royal commands for a complete revision of the Diplomatic Establishments of the United Kingdom.

THE EXPEDITION TO KERTCH—QUESTION.

Mr. MILNER GIBSON: I wish, Sir, to put a question to the noble Lord at the head of the Government in reference to the recent operations at Kertch and other places in the Sea of Azoff. Grave charges have been made against the character of Englishmen and English officers, which I do not believe, and which, if not true, ought to receive contradiction from the Ministers of the Crown. I have seen the same statement made in private letters and published in the public journals. It is stated in *The Times* newspaper, that—

> "When the allies entered Kertch the following morning the population made their submission, and offered bread and salt to the conquerors, in accordance with the Russian custom, and they were assured that they would be protected, and that their lives and property should be spared."

The correspondent goes on to say that destruction of property followed; and more than that—

> "Towards evening Turkish stragglers from the camp, and others who had fallen out of the line of march, flocked into the town, and perpetrated the most atrocious crimes. To pillage and wanton devastation they added violation and murder."

He further states that, the French patrols endeavoured to preserve order, and in one part of the letter there is this important imputation upon the character of an Englishman; it was, "the Lieutenant General whose apathy or neglect permitted the perpetration of disgraceful excesses." I do not believe this statement, but I ask whether the noble Lord at the head of the Government has received any information on the subject?

Viscount PALMERSTON: Sir, Her Majesty's Government have received no information with regard to the transaction to which my hon. Friend's question relates, but my attention has been called to the statement he has quoted from a newspaper, and my noble Friend at the head of the War Department will, without any delay, call for a report touching these transactions from the officer commanding in the Sea of Azoff.

CIRCASSIA—QUESTION.

Lord J. MANNERS said, the House was aware that all the forts on the Circassian coast were now in the possession of the Circassians, and that throughout the conferences at Vienna no mention was made of Circassia. The last despatch of Admiral Lyons stated that Mr. Longworth had been sent to Anapa to superintend the political part of the question. He wished to ask in what capacity Mr. Longworth had been sent to Anapa, and what were the relations at present subsisting between Her Majesty's Government and the Circassian chiefs?

Viscount PALMERSTON said, Mr. Longworth was Her Majesty's consul at Monastir; he had appointed that Gentleman when he held the office of Secretary of State for Foreign Affairs, in consequence of his having passed a great deal of time in the country, and being well acquainted with its manners, habits, and language. When an operation upon Anapa was contemplated, it was expected that the Circassian tribes would co-operate with the allies, and Mr. Longworth, being well acquainted with the people, was sent as an organ of communication between the allied commanders and those tribes. There were no relations subsisting between Her Majesty's Government and the Circassian chiefs, except those arising out of their co-operation in the attack upon Anapa.

Mr. BAILLIE said, he wished to know in what capacity Colonel Lloyd was sent to Circassia last year, at a salary of 2,000*l.* per annum?

Viscount PALMERSTON said, in reply, that Colonel Lloyd was appointed to go to Circassia to open communication with the people, and to ascertain to what extent and upon what terms their co-operation could be obtained.

NEW WRIT FOR LONDON.

Mr. T. DUNCOMBE said, that yesterday he took the liberty of asking the hon. and learned Gentleman the Attorney General whether, under the provisions of what was commonly called "the Contractors' Act," Baron Rothschild had not vacated his seat for the City of London, by having entered into a contract with Her Majesty's Government for a loan of 16,000,000*l.* for the public service, and whether, consequently, a new writ ought not to issue for the City of London? His hon. and learned Friend then answered that, if the question were put to the House, not in a speculative, but in a practical form, he would give his opinion upon it. He now rose for the purpose of bringing the matter before the House in a practical form, and he had, therefore, put a Motion to that effect on the paper. He might have moved that the matter be referred to a Select Committee, but that would have been a sneaking and cowardly course, entertaining as he did a strong conviction that, according to the common sense and literal construction of the Act of Parliament, Baron Rothschild had vacated his seat. The House would recollect when the Act in question passed, and the purposes for which it was designed. The Act passed in 1782, and was brought forward with the avowed object of promoting the freedom and independence of Parliament. When the Rockingham Administration came into office they took up that Bill, which had been before Parliament for two or three years, and gave it their warmest support on the principle that the House of Commons was getting day by day more corrupt and the people of this country were becoming more dissatisfied with it. He would not insult the memory of the Rockingham Administration by calling them "Administrative Reformers." They were something more, for they were Parliamentary Reformers. They struck at the root of the evil, for they said that, if there were corruption in the State, it must be the fault of the House of Commons, and so far as they could remove that blot they would do it by reforming the House itself. That Administration contained among its Members Mr. Fox, Mr. Burke, and Mr. Dunning, who had previously moved the well-known Resolution, that the power and influence of the Crown had increased, was increasing, and ought to be diminished. He should show by the Act itself, and by the debates upon it, that it was the intention of those who framed the Act, and of the Parliament that passed it, that contractors of Government loans should vacate their seats in Parliament, and he contended that the case of Baron Rothschild came clearly within its meaning. The heading of the contract was—

> "The contract entered into by Baron Lionel de Rothschild with Her Majesty's Government, on or about the 20th day of April last, for a loan of 16,000,000*l.* for the public service."

Now, the preamble of the Act said—

> "For further securing the freedom and independence of Parliament, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that, from and after the end of this present session of Parliament, any person who shall, directly or indirectly, himself, or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract, agreement, or commission, made or entered into with, under, or from the Commissioners of His Majesty's Treasury, or of the Navy or Victualling Office, or with the Master General or Board of Ordnance, or with any one or more of such Commissioners, or with any other person or persons whatsoever, for or on account of the public service; or shall knowingly and willingly furnish or provide, in pursuance of any such agreement, contract, or commission, which he or they shall have made or entered into as aforesaid, any money to be remitted abroad, or any wares or merchandise to be used or employed in the service of the public, shall be incapable of being elected, or of sitting or voting as a Member of the House of Commons, during the time that he shall execute, hold, or enjoy any such contract, agreement, or commission, or any part or share thereof, or any benefit or emolument arising from the same."

The Act also went on to say—

> "And if any person, disabled and declared incapable by this Act to be elected, shall, after the end of this present Session of Parliament, presume to sit or vote as a Member of the House of Commons, such person so sitting or voting shall forfeit the sum of 500*l.* for every day in which he shall sit or vote in the said House to any person or persons who shall sue for, the same in any of His Majesty's courts at Westminster."

It was contended by some that Baron Rothschild, not being ineligible by reason of this contract at the time of his election, had not incurred the penalties of the Act, and that, because for other reasons he had not sat or voted in that House, he had not forfeited his seat on that account. But he apprehended that there were very few hon. Members who would maintain that opinion, because, supposing for an instant that fifty or sixty Members held contracts with the Government for twelve months' duration, would the House say that they had not forfeited their seats because for that period they might abstain from sitting or voting in the House? The case of the Jewish question was a very different one. The hon. Member was incapable of sitting or voting in that House because he could not use the words "on the true faith of a Christian," and in that case the House was not justified in issuing a writ. But the hon. Member stood in a very different position as a contractor. It was alleged by some that hon. Members might contract for money, although they could not enter into contracts with the Government for ships or provisions. When the Bill was under discussion, it was at first proposed that contracts for loans should be excepted, but if hon. Members referred to the debates they would find that that proposal was scouted by the House. Mr. Fox said, he rejoiced to see that a new sprit of government seemed to be rising, and that a period was approaching when corruption would be banished from the Senate; and those who had the management of public affairs might safely trust to the merits of their measures for support, without having recourse to corruption. He (Mr. Duncombe) did not know whether the right hon. Member for Wells (Mr. Hayter) would be disposed to indorse that opinion. Mr. Fox moved that the exception in the Bill should be withdrawn, and that no contractor whatever should have a seat in Parliament. It was also contended that contracts for money were more dangerous than any other species of contract. The exception was withdrawn upon the understanding that a special Bill should be brought in for the purpose. No Bill, however, was brought in for the purpose, and the only Bill bearing at all upon the subject confirmed the view which he had now stated —the 48 *Geo.* III., chap. 1, wherein persons were exempted from losing their seats who entered into any contract with the Government for Exchequer Bills on behalf of the Bank of England. If they entered into such contracts on their own behalf, they were not exempted; so it was quite clear that Parliament, with its eyes open, had intended by the 22 *Geo.* III., chap. 45, that no contractors whatever should sit in Parliament. He could not possibly understand how there could be any doubt upon the subject, and, as Baron Rothschild by other circumstances had been prevented from sitting and voting in the House, he had incurred no penalties, and so far the loss to him would not be, and ought not to be, very great. He particularly wished it to be understood that he made this Motion entirely upon public grounds, and without any reference whatever to the Jewish question. For eight Sessions Baron Rothschild had been nominally a Member of the House of Commons, but the question of Jewish emancipation did not seem to have been much advanced thereby. A short time since he asked Her Majesty's Government whether it was their intention to introduce a measure in the present Session for the removal of Jewish disabilities, and the answer he received was, that they had no such intention. The noble Lord the Member for the City of London (Lord J. Russell) had since addressed a letter to some of his constituents, in which he told them fairly it was a hopeless case, in consequence of the decisions which had been come to in the House of Lords, and he believed the noble Lord was perfectly right in forming that estimate of the position of the question. He believed the prejudice elsewhere was so great, and the indifference of the public out of doors was also so great, that during the present generation, at least, there was not the remotest chance of gentlemen of the Jewish persuasion sitting in that House, so long as the House of Lords had any voice in the matter. Therefore Baron Rothschild had been thus long disabled, and the citizens of London had been deprived of their fourth Member. If three Members were quite enough for the City of London, let the House be told so, and let them give that Member to some other place. But this very disablement of Baron Rothschild had relieved him from any penalties with regard to this contract. What he said was, that from the moment a Member entered into a contract with the Government, not only was he disabled from sitting and voting, but his seat became vacant. He should be extremely glad to hear the opinions of hon. and learned Gentlemen upon this subject, but he contended that, according to the honest and fair interpretation of the Act, it was quite clear there was a vacancy in the City of London at the present moment, and would so continue, as far as regarded Baron Rothschild, until the 18th of December next, when the contract ceased. Under these circumstances, therefore, ought not the House to issue a new writ? They did not want any peddling or quibbling opinions. He knew lawyers could make that opaque which was clear to all minds but their own, but he hoped that would not be the case on this occasion, and he appealed to the House to restore to the citizens of London the power of electing a forth representative by agreeing to the Motion he now proposed, that the Speaker be instructed to issue his warrant to the Clerk of the Crown to make out a new writ for the City of London.

Motion made, and Question proposed—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Citizen to serve in this present Parliament for the City of London, in the room of Baron Lionel Nathan de Rothschild, who, since his Election for the said City, has entered into a Contract for the Public Service."

THE ATTORNEY GENERAL said: My hon. Friend, having brought this matter before the House in a practical shape, has the undoubted right to call upon me to state to the House the views which I entertain upon the subject. I have in consequence given to the subject the best attention, with a view to form an honest opinion upon it, and I am perfectly prepared to state that opinion to the House if I could only understand the course which the House might feel disposed to pursue in dealing with the subject. The first question which arises is, whether the House will deal with the subject immediately, as proposed by the hon. Member for Finsbury, or send the case to a Select Committee. I understand that the latter is the course which is the most proper to be pursued upon the present occasion, and I have had put into my hand a precedent which is immediately in point. It is the case of Mr. Daniel Whittle Harvey, who accepted the office of Registrar of Hackney Carriages. Upon that occasion it was moved that the hon. Member had thereby vacated his seat, and that a new writ should be issued. Upon that Motion an Amendment was moved to the effect that "the papers relating to the appointment of Daniel Whittle Harvey, Esq., to the office of Registrar of Hackney Carriages, be referred to a Select Committee, and that such Committee be directed to report its opinion whether Daniel Whittle Harvey, Esq., has vacated his seat by the acceptance of the said office." That Amendment was agreed to, the Committee was appointed to take the papers into its consideration for the purpose of reporting to the House upon the subject, and in due time it did so report. Now it is a serious question whether that would not be the correct course to pursue in the present instance. Upon the best consideration which I have been enabled to give to the subject, I think the Statute is tolerably clear though not altogether free from doubt. There may be some parts of the clause which carry some degree of ambiguity, but these are not of sufficient force to override the general purport of the Statute. But there are one or two circumstances deserving of consideration in connection with this subject. In the first place, I am told that since the passing of the Contractors Bill, although a vast number of contracts for loans have been made by the Government, in almost every one of which some Member or Members of this House have been concerned as contractors, it never occurred to any one to put this Statute in force against them. I am aware that it does not follow, because a Statute has never been put into operation, that it should therefore be considered as inoperative when the House is called upon to enforce the law. But if, throughout this long series of years, no person has ever thought of putting the law into force, it may be well worthy of consideration whether there may not be something in its conditions which may give to these contracts something of an exceptional character. I do not say that it is so, but I certainly think it is worthy of consideration. There is another circumstance which I confess also weighs in some degree upon my mind. Baron Rothschild cannot take his seat in this House, and cannot, therefore, answer for himself, nor do justice to his own case by any explanations which he might offer. If the course of appointing a Select Committee be a proper one, I think the circumstance of Baron Rothschild not being in this House to speak for himself might be an additional reason for agreeing to the proposal. I will submit, therefore, to the consideration of the House whether, in lieu of the Motion, it would be desirable to agree to the Amendment which I shall propose, that this matter be referred to a Select Committee, for the purpose of considering whether the entering into this contract by Baron Rothschild has affected his seat in this House? If the House is of opinion that that course should not be adopted, I am ready at once to state my opinion as to the construction of the Act, and its bearing upon this contract, without regard to political or personal considerations. I believe, however, that the course which I have suggested would be the best for the House to pursue.

MR. WALPOLE said, he would second the Amendment, because he considered that the matter ought to be investigated by a Select Committee before the House gave any decided opinion on the subject. An instance had occurred of his hon. Friend the Member for Huntingdon (Mr. T. Baring) having entered into a similar contract with the Government in the case of the Irish loan, but no notice whatever was taken of the subject by any hon. Member of the House, for it appeared to be understood that that loan did not come within the terms of the Act. He thought, coupling the fact with the absence of Baron Rothschild from the House, and his consequent inability to offer any explanations, that the wisest course to adopt would be to refer the subject to a Select Committee, as recommended by the hon. and learned Attorney General.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Contract entered into by Baron Lionel de Rothschild with Her Majesty's Government, on the 20th day of April last, for a loan of sixteen millions for the Public Service, be referred to a Select Committee, and that they be directed to report their opinion whether Baron Lionel Nathan de Rothschild has vacated his Seat by his entering into the said Contract," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. FRENCH said, if the only reason for objecting to the Motion of the hon. Member for Finsbury was that Baron Rothschild had not taken his seat, and consequently was not in a position to defend himself, he (Mr. French) would remind the House of the case of Mr. O'Connell when elected for Clare, who was allowed to speak from the bar of the House. It was impossible for any one who had looked at the Act of Parliament to get rid of the fact, that any person who entered into a contract for the public service with the Lords of the Treasury thereby vacated his seat. Such was the case brought forward by the hon. Member for Finsbury, and he (Mr. French) could see no ground for the doubt or delay which had been raised by the hon. and learned Attorney General. That hon. and learned Gentleman told the House he had considered the question and was prepared to give his opinion at once if necessary, and it was, therefore, most reasonable that that opinion should be ascertained before the House came to a decision.

SIR FREDERIC THESIGER said, he felt himself in some difficulty from having to express a different opinion from that enunciated by his right hon. Friend the Member for Midhurst (Mr. Walpole). He should be sorry to disturb precedent, or to adopt any proceeding upon the present occasion different from the course pursued in former similar cases, but he must say that he considered the precedent which had been alluded to was hardly applicable to the present occasion. He apprehended that the House was not in the habit of sending matters to Select Committees unless there were some doubts upon questions of fact upon which it required information, and which the Committee was called upon to obtain and to report to the House. With respect to the case of Mr. Daniel Whittle Harvey he was not acquainted with all the circumstances connected with it, but he presumed there was some question as to whether the peculiar nature of the office was such as to render the vacation of the seat in that House a necessary consequence, and that therefore the House desired to have the matter investigated and a Report from a Select Committee upon the facts, in order to come to a decision of the cases. But upon the present occasion what was there to refer to a Select Committee? The facts were all before the House, they depended entirely upon a Return which had been made to the House, of "a contract which had been entered into by Baron Rothschild, for the public service, with Her Majesty's Government." Was it suggested there was any other fact which, by referring the matter to a Select Committee, could be ascertained, by the House? Whatever the precedent might have been in Mr. Daniel Whittle Harvey's case, or whatever the course of precedents might have been, it would be almost absurd in a case like the present, when the facts were so simple and already ascertained, that the House should delegate any portion of its functions to a Select Committee, it being clear that, when the Report of that Committee should be made, the House would be in no better position to decide the question than it was at present. Was there a single lawyer who entertained any doubt upon the subject that by a plain construction of the Act of Parliament the seat of Baron Rothschild had become void? The hon. and learned Attorney General had adverted to the circumstance that there had been several previous instances of persons who had been contractors for loans to the Government, and were also Members of that House; but the hon. and learned Gentleman had answered his own observation by saying, a blot was not a blot until it was hit. So he (Sir F. Thesiger) thought the House was indebted to the hon. Member for Finsbury (Mr. T. Duncombe) for discovering the objection and bringing it forward, and, the attention of the House having been called to the subject, it ought now to decide whether, upon a proper construction of the Act of Parliament, Baron

Rothschild's seat was or was not vacant. He asked again, could any one entertain the slightest doubt upon the matter? The hon. Member for Finsbury had omitted to call attention to the second clause, which enacted that if any person, being a Member of the House of Commons, should directly or indirectly, himself or by any other person in trust for him, or for his use or benefit, or on his account, enter into, agree, undertake, or execute, wholly or in part, or accept any such contract, agreement, or commission, the seat of every such person in the House of Commons should be, and thereby was, declared void. Well, then, the question was, had Baron Rothschild accepted any contract, agreement, or Commission? His (Sir F. Thesiger's) proof was a Return made to that House of the "copy of a contract entered into by Baron Lionel Rothschild with Her Majesty's Government, on or about the 20th of May last, for a loan of 16,000,000*l.* for the public service." The Act of Parliament in question declared that any person who directly or indirectly undertook, executed, held, or enjoyed any agreement with Her Majesty's Treasury was by the first section disabled from sitting and voting in Parliament, and by the second section his seat was declared void. The only doubt as to the first section which had been suggested arose from a subsequent portion of the clause which alluded to persons who in their own and others' names made agreements to furnish money to be remitted abroad, or merchandise to be used for the public service. But it was clear that, the moment the contract was entered into, from that moment the penalty attached to the contractor, who was disabled from sitting or voting, and his seat void; but, inasmuch as it was possible that contracts might be entered into, not in the Member's name, but for his use and benefit, to provide against any evasion of the Act the provision had been introduced, that any Member who should contract to supply goods, merchandise, or remit money abroad for the public service, should be in the same predicament of forfeiting his seat. No doubt could be entertained therefore that the clauses were perfectly distinct. The first related to the contract; and the moment that was entered into, although nothing might actually be supplied, yet from that moment the penalty attached and the seat became void. That was not a lawyer's question. There was no difficulty in construing the Act of Parliament, even to non-professional men, and it would be extraordinary if, after sitting there night after night making laws, they should not be able to construe those laws when they were made. He thought the case was so clear that no person, whether lawyer or not, would say he entertained any doubt, and therefore, regretting to differ from the hon. and learned Attorney General and the right hon. Member for Midhurst, he thought this was not a case in which there was any necessity to resort to the machinery of a Select Committee. The case in his view of it was fully before the House, and he was quite prepared to vote for the motion of the hon. Member for Finsbury.

LORD JOHN RUSSELL: Sir, if all the Members of this House were as learned as the hon. and learned Gentleman who has just addressed the House, or as my hon. and learned Friend the Attorney General, it might, perhaps, be proper for the House to come at once to a decision upon this subject upon the best consideration which it was able to give to the question. But I must put in a claim on behalf of the great body of the Members of this House who have not that learning which the hon. and learned Member for Stamford (Sir F. Thesiger) possesses. When the hon. and learned Gentleman says that if we make laws we ought further to be able to interpret them, I think he goes rather beyond what is a fair claim on the Members of this House. I confess for one, that if after a law were passed any one should ask me to give a legal interpretation of it, I should decline to do so, on the ground of my inability, and should refer him to some Member of the legal profession of which the hon. and learned Gentleman is so great an ornament. What appears to me to be a difficulty in this case is, that many years ago since this Act was passed numerous instances have occurred of persons contracting loans without the subject having been brought to the notice of this House, or their having been alleged to have forfeited their seats thereby. Now, it is quite true to say that a blot is not a blot until it is hit; but let the House take a case in point as an instance. There was the Royalty Loan of 1797; great numbers of the Members of the House of Commons were concerned in that loan. Mr. Sheridan said on that occasion that those hon. Members came forward for the purpose of profit. Mr. Pitt said that it was not so; but he afterwards brought forward proposals of giving 5 per cent interest to all persons who had subscribed to that loan. No question was raised in the House as to whether those hon. Members had forfeited their seats; but one question was raised, which was for a long time discussed, that was, that no person who was interested in the loan should vote for the measure which accorded them the interest. Not a word was said about hon. Members subscribing to that loan having forfeited their seats. The right hon. Member for Portsmouth (Sir F. Baring) was contractor for a loan, and again the hon. Member for Huntingdon (Mr. T. Baring) was contractor for a loan in 1847. I was at the head of the Treasury when the loan was contracted. Taking these facts into consideration, it does appear to me that the practice which has hitherto existed in the House might justly warrant the appointment of a Select Committee. They will consider, no doubt, not only the case as affecting Baron Rothschild, but the whole meaning of that Act, and also arrive at some opinion as to how far it extends. Taking this case, 10 per cent has been paid of this loan, any person who buys Omnium in the market thereby makes an engagement to the Government to pay the remaining 90 per cent of the loan. I think it hard in this case. Baron Rothschild has only engaged with the Government to pay 10 per cent of the loan. Those who buy Omnium are the persons who are engaged to pay the remainder, and not Baron Rothschild. It is the great body of the subscribers who are answerable for paying the remainder of the loan. Where is the House to stop in this matter? Is it to apply the Statute to other persons who take up part of this loan. Or is the House to say that every person who takes up a part of it disqualifies himself for a seat in this House?

MR. MILNER GIBSON: Sir, my difficulty is to make up my mind whether the disqualifying clauses are to stop with Baron Rothschild. He has admitted a great number of persons, possibly Members of this House, to have shares of this loan, to enjoy what the Act calls the "profits, benefits, and emoluments arising from the same." Now, all these Members enjoy the "profits, benefits, and emoluments" arising from the loan, and, if I have taken a correct view of this Act, they are in jeopardy as well as Baron Rothschild, and it would be competent for him or any other hon. Member, if the House at once agrees to the Motion of the hon. Member for Finsbury, to find out some hon. Member upon this list and take the House by surprise to-morrow evening, and move that a new writ be issued for the borough or county which he represents. We must therefore be cautious in this matter. For myself, I confess I have no particular knowledge of the law. I have read the Act, and I understand from it that any person who enjoys any benefit arising from the loan, either directly by having contracted himself, or indirectly through another, is equally affected. What I wish to direct the attention of the Government to is, the question as to how far they have discharged their duties in this matter. We have seen copies of the contract which the hon. Gentleman the Secretary of the Treasury has laid upon the table, and which I understand it is the duty of the hon. Gentleman to draw up. Now, the Act states, with respect to the mode in which this contract should be drawn up—

> "Be it enacted that in every such agreement, the contract or commission to be made, entered into, or accepted as aforesaid, there shall be inserted the express condition that no Member of the House of Commons be admitted to any share or part of such contract, agreement, commission, or any benefit which may arise therefrom."

The Secretary of the Treasury has therefore laid himself open at least to the information of this House in not having carried out the provisions of the Act. But, still more, the Act applies to any person having made this contract with Government, enacting that any person who, having made such contract with Government, shall admit any Member of the House of Commons to any share or any benefit or emolument arising from this contract, renders himself liable to a penalty of 500*l.* for each person admitted. This penalty may be sued for by any common informer, so that for each person who is a Member of this House whose name appears upon the list of Baron Rothschild, who has derived so much premium from the omnium, Baron Rothschild is liable to a penalty of 500*l.* It is to be hoped that those Gentlemen who have enjoyed such emoluments and advantages, will make some sacrifices among themselves in order to pay the Baron's large penalties. Under these circumstances, I shall vote for the Select Committee. I cannot see my way—it is full of difficulty. I doubt, indeed, whether the contract is legal if in drawing it up you have not inserted all the conditions which the Act requires to be inserted in it. There is one point not yet cited in connection with the question before the House. The hon. Member for Finsbury (Mr. T. Duncombe) made some remarks about the Jewish question, and stated that in his opinion it would not be settled during the present generation. Now, I do not despair of its being carried out, and I believe if the noble Lord (Lord J. Russell) were at the head of the Government, and made it a Cabinet question and took it up in earnest, it would have obtained the assent of the House of Lords, and we should have seen, as we yet shall see, Baron Rothschild taking his seat and voting in this House.

Mr. HILDYARD said, he could not allow such immorality as had just escaped from the right hon. Gentleman the Member for Manchester to pass without notice. The right hon. Gentleman had stated that the Act of Parliament might affect half the Members of that House, and therefore they should be cautious how they acted. Was that the morality of the Manchester school? He had long been of opinion that it was, but he had never heard it so completely and distinctly enunciated before. How different was the nature of those remarks as contrasted with those which fell from the hon. and learned Attorney General. That hon. and learned Gentleman said that it was our bounden duty, without fear or favour, to expound the law, and we were doubly bound to do so in a case where large numbers of that House might be affected. As for the statements of the noble Lord the Member for the City of London, he was astonished that he should state in that House that any one who comes into the market to purchase scrip in the new loan becomes thereby a contractor to Government. It was nothing of the kind; all that a purchaser of scrip did was this; he offered to pay a part of the loan or lease the scrip. Such a doctrine laid down by the noble Lord the Member for the City of London particularly surprised him. The Act contemplated that the Government might not only debauch any Member of the House of Commons, but also that any hon. Member having this contract with the Government might use the influence of that contract for the purpose of affecting the proceedings of other hon. Members in the House; and the Act therefore imposed, not disabilities as the right hon. Gentleman (Mr. M. Gibson) had stated, but prohibitions upon the contractor against making such use of their contracts.

Mr. M. Gibson

He thought that the hon. and learned Member for Stamford (Sir F. Thesiger) had put the case very fairly before the House. Was there a contract or was there not? Was Baron Rothschild a Member of that House or was he not? The contract lay upon the table of the House, and Baron Rothschild, although a Member, could not sit or vote in the House, was clearly brought within the provisions of the Act of Parliament, and he thought that the House had nothing to do but to support the Motion of the hon. Member for Finsbury.

The SOLICITOR-GENERAL said, he wished the House to observe that it was dealing with a Statute which had not been enforced or applied for a long space of years. It was reasonable to suspect, therefore, some impediment or obstacle in the way of its application. If any Gentleman were bold enough to pledge himself to the opinion that the law had not been affected by any of our legislation subsequent to 1782, he might be competent to pronounce upon this question at once; but he (the Solicitor General) could not be so confident. The mistake committed by the right hon. Member for Midhurst (Mr. Walpole) should teach him to be more diffident, for when he said that in the latter part of the section the first alternative was intended to apply to persons who, under a contract made by others, supplied money to be remitted abroad for wares or merchandise for the Government, he entirely forgot that it contained these words, "in pursuance of any such agreement, contract, or commission which he or they shall have made or entered into as aforesaid;" so that it was impossible to apply this to a contract made by another; and it was confined to the same contract before mentioned. There might be a question as to whether the second alternative did not put a certain interpretation upon the first, and prevent us from arriving at the conclusion that merely entering into the contract, where nothing might have been done to fulfil it, was a sufficient disqualification. Another hon. and learned Gentleman had spoken of the Act of Parliament as if it did not at all apply to any individual Member of the House who had taken a part of the contract, but the words of the Act were express upon that point—"Any one who has been admitted to a part or share." He (the Solicitor General) would beg the House to remember that it was dealing with a Statute which had not been enforced upon similar grounds for more than seventy years. Now in all cases of this kind every lawyer understood that the non-enforcement of the Act might reasonably be expected to be owing to some impediment or obstacle in the way of the Statute being carried into effect, and he did not think that any hon. and learned Gentleman would rise in his place and pledge his reputation that no Act had been subsequently passed which interfered with or modified in any way the provisions of the Act which was now under the consideration of the House.

MR. DISRAELI said, it appeared to him that a subject of this nature should be considered with great calmness, and that the House should not rashly adopt any course upon it without due deliberation. Now, what he felt was that they wanted that distinct proof which should be in the possession of the House, and which could be easily obtained, before they could come to a decision on a question of such consequence. The hon. and learned Solicitor General said that there could be no doubt that Baron Lionel de Rothschild had contracted with Her Majesty's Government, and then he took up a contract, and pointed to it as containing that proof. But he (Mr. Disraeli) was not satisfied on this point; for if that was the only proof that the hon. Member for the City of London had entered into a contract with Her Majesty's Government, the evidence was very imperfect, as the contract bore not the signature of Baron Lionel Nathan de Rothschild, but of N. M. Rothschild and Sons. He thought that the question should be thoroughly proved, and that the House should not be placed in a position of being liable to a doubt on a matter capable of distinct proof. That doubt was in his mind sufficient for inducing him to think that the matter should be referred to a Select Committee. The House had not the proof that the hon. Member for London had entered into a contract with Her Majesty's Government; but, on the contrary, the House had *primâ facie* evidence that Baron Lionel Nathan de Rothschild had not signed such contract. He only said that it was of consequence that the House should have, in cases of this kind, complete evidence that the Member of the House so charged actually had entered into a contract with the Government. He would not refer to the other points which might influence the House on the present occasion. There was great ambiguity in the words of the Act. They might be law, but they certainly were not English. If also they found that there was a prescription in that House, by which members who had entered into contracts of the kind had not been made to vacate their seats, although that might not be a conclusive argument in the present instance, still it was good ground for supporting an investigation, so that they might clearly understand what the law was, and under what circumstances contractors should be obliged to vacate their seats. However, in the present instance he would confine himself to the point he had stated—that the contract on the table was not signed by the hon. Member for London as a reason sufficient for referring the matter to a Select Committee.

MR. BRIGHT said, he wished to ask a question of the noble Lord at the head of the Government. Notwithstanding the assertion of the hon. and learned Member for Stamford (Sir F. Thesiger) it would appear that not even lawyers—those learned in the law—could agree as to the interpretation of the Act; for the Solicitor General, who was a very clever lawyer, and the hon. and learned Member for Stamford who was as able, differed as to its interpretation. He was convinced, therefore, that they would be doing much better by referring the question to a Select Committee. But there was another point—it appeared to him that the time was about to come when the whole of this Act would have to be taken into consideration. It might operate now so as to turn Baron Rothschild out of that House, as it had operated to turn out Sir Samuel Peto some time ago, and recently the hon. Member for Gloucester (Mr. Price) on whose behalf the Bill was brought in to save him from penalties, and then he was re-elected. A few years ago he remembered a Friend of his, Mr. Dixon, was returned for Carlisle; but he did not vote, because he learned that some collieries in which he had a little interest had been supplying a few chaldrons of coal for the use of the barracks at Newcastle and Carlisle. Now, it was well known that there were modes, either by the transferring of contracts or otherwise, of avoiding all difficulties; and he rose for the purpose of suggesting to the noble Lord that whatever might be the issue of the matter with regard to Baron Rothschild, it would be becoming in the Government to take into consideration the question of the Act, with a view of putting it on a more satisfactory footing or of abolishing it altogether. Not long ago the noble Lord said it was very desirable that the army should remain under the control of the Crown, and not, like other public departments, liable to the interference of the House of Commons. He did not dispute that, but they all knew there were Members of that House receiving emoluments for military services, and who were themselves directly dependent for their promotion, not on the ministers, but upon the Commander in Chief, and through him upon the Crown. That was a sort of dependence which he thought might be urged as a reason for excluding such Gentlemen from the House. He believed they might abolish the Act altogether with perfect safety, for the influence of the press and public opinion, and the greater morality which prevailed among all classes of people, and eminently amongst Members of that House —upon all matters of this kind—would be complete safeguards against the occurrence of the dangers which the Act originally contemplated. He thought the House would act wisely in appointing a Select Committee, but mainly with a view of considering the repeal of the law on the subject.

Viscount PALMERSTON said, he thought that what had fallen from different Members in the course of the debate showed that it would be expedient to refer the question to a Select Committee. If they had to discuss the application of a law which had been invariably applied in similar cases, and upon the interpretation of which no doubt could arise, there would be no necessity for a Select Committee. If they had a case in which a distinct application of the law was clear, and that on the interpretation of the law no doubt could arise—if hon. Members could get up and say that in consequence of an hon. Member's accepting an office under the Crown there was no doubt about the vacating of his seat, in such a case the House might proceed to a direct decision. But this was a case of a different nature. Many hon. Members were of opinion that there was no doubt as to the application of the Act; but there were others who might entertain considerable doubts on the subject. He himself was not prepared to express any opinion, but he thought that it was a question which was open to argument both ways, more especially when they considered the extensive collateral application of the Act which might flow through the principal contractor. It appeared from what had been stated, that there was an almost unbroken chain of precedent against the application of the Act. At the same time, he did not say that that was any reason why the law should not be deemed to be applicable to the present case; but he thought that it was a ground upon which the House might fairly require to have that deliberate, calm, and dispassionate consideration of the case which an inquiry before a Select Committee could alone insure. He agreed with the right hon. Member for Buckinghamshire (Mr. Disraeli) that matters of this description were not conveniently or usefully discussed in debates in that House. The audience was composed of a great number of Gentlemen, who, from their education and habits of thought, were not qualified to be judges in such matters; and he could not agree with the hon. and learned Member for Stamford (Sir F. Thesiger) that, because Parliament made the laws, Parliament was, therefore, the fittest authority for interpreting the laws. Such a duty was quite at variance with the functions of that House and with the acknowledged principles of the constitution. Upon the whole, he thought that the House would be disposed to agree with the proposition of his hon. and learned Friend the Attorney General, and for himself, he certainly thought that they would best consult their own proper functions by referring the investigation of the subject to a Committee, especially as there was no immediate necessity for coming to a decision with regard to it. The suggestion thrown out by the hon. Member for Manchester (Mr. Bright) was well deserving of consideration. This Act arose in times when the habits of public men were very different from what they were now, and the general principle of disqualifying persons for their seats in Parliament was in the abstract objectionable, and ought not to be had recourse to without strong grounds for so doing. He expressed no opinion on the suggestion made by the hon. Member for Manchester, but thought that it was one well deserving the consideration of the House and of the Government.

Mr. G. BUTT said, he would beg to suggest to the hon. Member for Finsbury that he had better not press his Motion, as it appeared to be the general wish of the House that this matter should be referred to a Select Committee.

Mr. T. DUNCOMBE said, that he was

entirely in the hands of the House with reference to this question. If there was to be a *bonâ fide* appointment of a Committee to inquire into the state of the law —though he thought it was clear enough —he should have no objection to such a course being taken. He considered that the statement of the right hon. Member for Midhurst (Mr. Walpole) but an *ad misericordiam* argument for the hon. Member for Huntingdon (Mr. T. Baring). This question had no sooner been mooted than the House had taken alarm; and he was afraid that it would stop in the Committee to be appointed; but if it did not stop there he was confident that the Committee would have to recommend that a new writ should be issued for the City of London, in the room of Baron Lionel de Rothschild.

THE CHANCELLOR OF THE EXCHEQUER said, that, as the Motion now stood, it stated that the contract had been entered into by Baron Lionel Nathan de Rothschild, though there was nothing on the face of the contract to show that such was the case.

MR. T. DUNCOMBE: I wish to ask the right hon. Gentleman whether Baron Lionel Nathan de Rothschild did not in his presence sign this contract.

THE CHANCELLOR OF THE EXCHEQUER: I think the question just put to me is a proof of the inconvenience of discussing this question in its present form. I did not mean to state that it was not Baron Lionel Nathan de Rothschild who had virtually entered into this contract with the Government, but my remark merely applied to the wording of the Motion which states Baron Lionel Nathan de Rothschild entered into the contract with the Government, of which there was no evidence on the face of the contract.

MR. T. DUNCOMBE: But that is no answer to my question. I put a direct and straightforward question, and asked the right hon. Gentleman whether Baron Lionel de Rothschild did not in his presence sign the contract in question.

MR. DISRAELI said, he objected to the question put by the hon. Member for Finsbury, which, if it were sanctioned, would place it in the power of a Minister who wished to turn a Member out of his seat to get up and put a question, having previously agreed upon the answer which would be given by one of his supporters, and they all knew how ardent a supporter of the Government was the hon. Member for Finsbury. The question put by him was most unconstitutional, and one which the Chancellor of the Exchequer would not be justified in answering.

LORD J. RUSSELL said, that an hon. Member had been prevented from referring to a debate which had taken place on a previous night, and now the hon. Member for Finsbury wished an implied declaration which had been made in that House to be taken as the ground for their proceeding on the question before them. He (Lord J. Russell) thought that they had better proceed on the papers which were before the House.

MR. T. DUNCOMBE said, he begged to inform the right hon. Member for Buckinghamshire that, however ardent a supporter he might be of the Government, there had been no collusion between himself and the Chancellor of the Exchequer for the purpose of turning a Member out of that House.

Amendment and Motion by leave *withdrawn.*

Ordered—

"That the Contract entered into by Messrs. Rothschild and Co. with Her Majesty's Government, on the 20th day of April last, for a loan of sixteen millions for the Public Service, be referred to a Select Committee, and that they be directed to report their opinion whether Baron Lionel Nathan de Rothschild has vacated his Seat by reason of the said contract."

MR. BRIGHT said, he thought that it had better be decided at once whether the Committee should be nominated by the hon. Member for Finsbury. [MR. T. DUNCOMBE: I decline to do so], or by the Attorney General, or by the Committee of Selection.

MR. WALPOLE said, that as the hon. Member for Finsbury had thrown some doubt on the *bona fides* of the House in appointing the Committee, it would be satisfactory to the House if he would conjointly with the Attorney General name two Members who were to sit upon the Committee.

MR. SPEAKER said, that the House could not entertain that question without previous notice having been given.

SALE OF BEER, &c., ACT.

MR. HENRY BERKELEY* having presented petitions from places in Somersetshire and Gloucestershire, for the repeal of the Sunday Beer Bill, said—Sir, I am about to ask this House to appoint a Select Committee to inquire into the Act of last Session for the further regulation of the Sale of Beer and other Liquors on the Lord's Day. The House may remember, that when that Bill was passed into a law, it was hardly known to any Members of this House. At the back of the Bill were the names of three Members generally respected in this House, and those names, I may almost say, would be warrant for any measure they might bring forward; but in this instance, I have no doubt, their views were erroneous, and their usual sagacity was at fault when they committed themselves in this Bill to an Act of Parliament which I believe to be contrary to the interests of the great mass of Her Majesty's subjects. Now, when this Beer Bill passed last Session, I ventured—unfortunately, much too late—on the third reading to take objections to its principle, and to point out that it would be an Act very much encroaching on the comforts and recreations of a highly respectable portion of Her Majesty's subjects, and that it was a Bill unequal and one-sided in its operations, encroaching on the pleasures of the working classes, but leaving the wealthier classes entirely untouched; a style of legislation which, as I apprehend, is at this time of day, highly objectionable. Such were the objections which I ventured to urge, and the very first Sunday on which this Act came into operation, that which I had foreseen was proved to demonstration. Thousands of the working classes who had gone forth in the morning to get a genial breath of fresh air in the country, returned after ten o'clock at night, and found that they were thrown on a town where every place of refreshment was barred against them. What was the consequence? Great discontent, almost amounting to riot, and the police were called on to do their most unpleasant, and, I will say, un-English duty, which they did with that quietude and firmness which mark the character of the corps. Now, since that time, every succeeding Sunday has shown more forcibly, the injustice and severity of the Act. I do not believe I stand alone in this House in thinking that one of the greatest blessings you can bestow on the working classes of this country is the facility now afforded them of going forth and witnessing the beauties of nature and art at a distance from their homes. Fifteen years ago there were thousands of Her Majesty's subjects who lived and died within five miles of the place of their birth, without ever having visited a spot beyond it. Thousands of the inhabitants of this island have lived and died without ever having seen the sea. I say that the increased power of locomotion now placed within their reach tends to expand the mind, and is a leading step towards education. Yet there are those pious ascetics who would stand by and see the departure of a Sunday train laden with a load of human happiness, fathers, mothers, and children going forth on the tiptoe of expectation, to see the beauties of nature, to behold the wonders of the deep, and pass a happy and innocent day, at once uniting pleasure with health—who would stand by and say the steam-engine so employed was a device of the Evil One, and a snare of the Devil. They would say that those working men, who had been employed six days out of the seven in a smoky city, with half-ventilated houses, and a half-drainage pervading them, should pass the seventh day in some dingy chapel or church, listening to the oily outpourings of some Stiggins, or trembling at the blatant bellowing of some Boanerges. I do not envy those pious gentlemen their feelings. They may be very good religionists, but I think they are very bad Christians. Let me not be understood as advocating the absence of the observance of religious rites, or as intending to cast any slur upon the sincere professors of religion. Far from it; that is not my intention. I can, on the contrary, show you that those who are thought godless for resorting to Sunday trains for fresh air are a God-fearing portion of the people. It is a fact that wherever these Sunday trains deposit the inhabitants of distant parts—the people of this metropolis, for instance—the chapels and churches in those places are found to overflow. Speaking from my own experience, I can say, it is a custom for Sunday trains to depart from the city of Bristol to the neighbouring watering places—Weston-super-Mare and Clevedon, and for citizens to go by those trains sufficiently early to attend places of Divine worship on their arrival, and then repair to the seaside to spend a day of happiness with their families, returning to Bristol in the evening. Again, since locomotion has brought Bath and Bristol, though twelve miles apart, within twenty minutes communication, it is not an uncommon custom, at some seasons of the year, for the inhabitants of Bristol to visit Bath, and attend Divine worship in the abbey there, returning to their own cathedral at Bristol in the evening. I have said thus much to protect myself against the charge of advocating want of religion in the people. But it is not only on account of the hardship to the working classes and the interference with their means of recreation that I object to this measure, but it is on account also of the one-sided way in which it operates. This can be very well shown if the House will allow me to trace the course of one of the working classes on the Sunday, and then to follow one of the higher classes. The poor man, the working man, when he has determined to take his pleasure by an excursion train, quits his house very early in the morning. He has not much to lock up. He has no well-found larder, no well-stored cellar, and if he leave any living thing in the house, when he takes his wife and children, it is the cat. He goes forth with his key in his pocket, and he depends for his refreshment on the public-houses he may meet on his way. He goes down by the train, and arrives at a time when you have closed the houses against him. Well, then, no dinner can he have. It is in vain to talk about your Act permitting a man to be fed under the pretence of his being a *bonâ fide* traveller. Why, the very name at the present moment, after the conflicting decisions of your magistrates, is so terrible to your innkeepers, that they exclude such a man immediately, unless dressed in broad cloth, and attended by a servant. He can get nothing to eat or drink, and thus deprived of his dinner, on his return he finds himself too late to obtain supper, and thus, dinnerless and supperless, he goes to bed. By the present hours of closing he is defrauded of his dinner and supper. That was not the way in which they ought to tamper with the working classes. Now, let them look at the course of the rich man. He goes forth, wends his way to whatsoever city he pleases, and he should like to know the inn that would refuse him admittance at any hour. He should like to find such a case. He got his luncheon or dinner, and returned at his leisure to London. What did it signify to him that public-houses were shut? He could do without his Bass or his Alsopp for one day; or, if not, there was his well-stocked cellar at home. But suppose he had not, then there was that unlicensed victualler's house —his club, to resort to. He could get there at any hour, and what did it matter to him that the public-houses were shut? Then he said that the poor man was differently treated from the rich man. To a poor man, Sunday should bring recreation and a breath of fresh air, which was everything. Why, the primrose or cowslip, or the meanest wild flower plucked under a hedge by the child of a poor man has more value in that child's eyes than the richest exotic had to the wealthy possessor of a green-house. Why, then, should they interfere with the poor man and his enjoyments? That was not the way to deal with the working man in the nineteenth century. The next point to which he would allude was the monstrous contradictions, anomalies, and absurdities daily perpetrated by all the family of paid Midas and Radamanthus throughout the country. Every one of the great unpaid had different ways of interpreting this Statute. Take, for example, some instances he would give them—

> "On Sunday, April 23, the landlord of the Angel Inn, Sutton, had his brother and sister to see him from London. As they were having supper, preparatory to their return journey, at about twenty minutes past ten o'clock, two policemen knocked at the door of the house and were admitted. After looking into the parlour, and such public rooms, they walked into the private apartment of the landlord, where the family were at supper. Seeing two decanters of wine on the table, they departed, and on Friday the master of the house had to appear at the Epsom Court, and was fined 10*s*., and 15*s*. costs, although he informed the magistrates that the lady and gentleman were his brother and sister. The magisterial answer was, 'then you must not have your sister and brother to supper.'"

Persons going to Jack Straw's Castle, Hampstead, to dine there, are held to be travellers by Mr. Long, of Marylebone Police Court; but, on the other hand, Mr. Paynter, of Wandsworth Police Court, holds that persons going to Putney, even if walking, are not travellers, and that the exception must be confined to persons travelling from place to place, through obligation or duty, and not for mere pleasure. Likeminded is Mr. Trail, of Greenwich, who holds that people coming from London, Croydon, Bayswater, and Dartford, to Blackheath—one of the lungs of London—for pleasure, are not travellers, because the Act never intended that persons leaving their homes for amusement should be considered travellers. On the other hand, the more liberal bench of Ilford, Essex, held that a man going five miles along the Mile End Road, for any purpose, is a traveller. On the other side of the Severn, the justices of petty sessions at Pontypool, hold that going three miles by rail from Merthyr to Twedyrlieu is travelling, within the meaning of the Act. Mr. Hardwick thinks that a man coming from a journey by rail omnibus, and stopping for a pint of beer at a public house near his own home, is not a traveller; but Mr. Norton, of Lambeth, thinks a man walking from London to Norwood, and stopping for beer within a mile and a half of his own door, is a traveller. The Rhadamanthus of Highgate says a man walking from Hampstead to Highgate is not such a traveller that he may drink beer; and Alderman Cubitt holds that the drivers of omnibuses from any place out of town are not travellers. A similar decision as to railway guards and labourers was given by the justices of Chelmsford. The Lancashire justices at Salford, at Hoo Green, hold that persons who on Sundays go four, five, or six miles on foot or horseback, or in carriages, may not drink on the way, the presiding magistrate evidently deciding it on the ground that a man may, or must not, or should not move about on Sunday for pleasure. A different interpretation is put on the Act by Derbyshire justices, who, by their decisions, allow any person going six or seven miles, whatever be the reason of their going, to moisten their clay as they go. From numerous places in all parts of the country the complaint is, the justices have laid down no rule to guide the publican in deciding traveller or not. Do what he will, he can in no way escape the fangs of the law.

The complaint was universal—that the magistrates had laid down no rule to guide their decisions as to what was and what was not a traveller. He had a letter, from a person of great respectability, which showed the state of the great port of Liverpool—

> "The operation of the Sunday Beer Bill in Liverpool and neighbourhood is of a very contradictory and oppressive character, and numerous informations have been laid against licensed victuallers for infringing it. The Act is carried out very stringently at Liverpool, and great inconvenience is experienced here in consequence of it, from the circumstance that a vast number of strangers are constantly arriving from, and departing for various parts of the world, by ship, rail, or steamer; and passengers are continually refused admission into the houses of licensed victuallers, who would have informations laid against them, and they would then be put to the trouble and expense of proving that their guests had been *bonâ fide* travellers, in many cases involving an impossibility. The result is, that such passengers fall into the hands of lodging-house keepers and others, most of whom contrive to have stocks of ale, porter, and spirits in hand, and the licensed victualler is thus deprived of the legitimate object of his business, which flows into channels never intended by the Legislature, and thus leads also to the direct effect of defrauding the Excise. The clause in the Act exempting a *bonâ fide* traveller is construed in a very singular manner in this neighbourhood. A person crossing the river Mersey to Seacombe, a distance of three-quarters of a mile, is considered a traveller, and may have refreshment at the nearest public-houses. A person crossing to Birkenhead is not a traveller, and he can get no admittance as such. At Egremont, two miles down the river, a person from Liverpool is a traveller; while at New Brighton, a mile lower down, he is not a traveller. At Rock Ferry, three miles up the river, a person from Liverpool is a traveller; but at Eastham, six miles from Liverpool, he is not a traveller. At Runcorn, eighteen miles from Liverpool, myself and wife were refused admittance on the ground that we were not travellers. Such are the various readings of the word *bonâ fide* traveller; and this Act, in the hands of our justices, has been a complete scourge to the people. Last Sunday afternoon, May 5, I drove with a friend to the village of Wavertree, three miles from Liverpool. Before we got there the rain fell in torrents, and we were indebted to an intimate acquaintance with the proprietor of the hotel for shelter. While we were there a funeral passed, attended by 214 persons all on foot. It was raining fast at the time, the distance from the house of the deceased to the church was about three-quarters of a mile. They returned in procession to the village and broke up. Now, although it was still raining, and many of them had come two and three miles previously, they were refused admittance into the hotel where we were, the landlord declining the risk of an information. Our stipendiary magistrate has decided that a seaman is a traveller when he is going to sea, and he may have refreshment, but that he is not a traveller when he returns from sea, because he has arrived at the end of his journey. Innumerable other cases could be adduced of the inconsistent readings and baneful operation of this Act, but the above will slightly show the manner in which it interferes with the comfort and convenience of the public in Liverpool and its neighbourhood."

Mr. H. Berkeley

He had no reason for specially praising licensed victuallers, but they were generally a very respectable body of men, and if they were not it was the fault of the upper classes and the magistrates, for there was no body of men so completely under the surveillance of the magistracy as they were, and it reflected deeply on the magistrates of this country if they were not as they ought to be. But no men should be treated in such a way as they were. If they were in Russia they would not be subject to worse treatment. Why were not the licensed victuallers to have the same privileges as other classes? Why were they to be interfered with, and not allowed to have their relations to supper? That alone rendered a repeal of this Act imperative—for any law so loose in its language as to render the practice of such tyranny possible should not be on the statute book. To exhibit in a stronger light the hardships and tyranny of this Act, will the House pardon me if I put an hypothetical case? Let me call their attention to the clubs of this City. At one of these clubs, at half-past eleven o'clock on Sunday night, there are sitting at supper in this unlicensed victualler's house one of the metropolitan magistrates—a most respectable man—and his brother. He had been, say to Richmond or to Greenwich, where he had enjoyed his venison or whitebait, and its usual accompaniments. No one would presume to question his worship's right to these enjoyments. But returning to town, in rather a hungry state, there he sits, at half-past eleven o'clock, eating the devilled legs of a turkey, and washing the Cayenne pepper down with whiskey punch, &c. At twelve o'clock they go home—he would not say *ebrii*, nor *vino cibo que gravati*—but comfortable. The next morning the magistrate went in due time to the police court, where the very first case brought before him was that of the licensed victualler who had been guilty of giving his brother a beef-steak and a bottle of wine on the Sunday night. And what happened? Why, this very magistrate, with the taste of the devilled turkey and the whiskey punch still in his mouth, knocks the publican down with the Statute, and fines him 1*l.* 5*s.* That certainly put me in mind of the words of the poet—

> ———————" Handy, dandy,
> Which is the justice, and which is the thief?"

I will close my opinions by quoting those of two metropolitan police magistrates on the impolicy of this Act—Mr. Corrie, the magistrate of Clerkenwell police court, said, "It is too stringent on the trader and throws an arduous and impossible onus on the officers." Mr. Norton said, "The Act is one which, in my opinion, must be repealed, as it is not suited to the convenience or necessities of the public." I now come to the purpose for which the Act was passed. That was to check drunkenness on the Sabbath. Now, had it had that effect? I most conscientiously and sincerely believe it has not. It had been truly said that you could not make a man moral by Act of Parliament. You could not make them either religious or moral, but you may make them hypocrites. You have stopped drinking at certain hours in public-houses, but the consequence was that it went on in holes and corners. Drunkenness had been created in every corner. As long as it was in public-houses, under the surveillance of the police, you knew the evil, but when it became contraband, and went into holes and corners, it was worse for morals, and worse for the people, than when it was under the surveillance of the police. I find, from evidence before me, that drunkenness takes place in those shops which are permitted to sell small beer. They were called three-halfpenny beer-shops. At these places alcoholic drinks might be had to any extent. Not only there did it take place, but drunkenness was carried on also in coffee-shops, and worse than that, in low brothels, from which persons resorted to "public hells," producing a state of immorality frightful to contemplate.

There was a Committee last year which pointed out this fact, that at these shops drink might be had to any extent. If that was so in 1854, the evil had been increased a hundredfold in 1855. In seaport towns the effect was still worse than in other towns. Poor Jack, on returning home from sea, generally met Poll and Sall; and if they had a strong pull at his pocket heretofore, what must it be when they became contraband sellers of drink. It had been said that drunkenness had diminished in 1855, and was less than in previous years, and that, therefore, sobriety had been secured by the operation of this Bill. Nothing, however, could be more erroneous. In 1852-3-4, drunkenness prevailed of course to a greater extent than in 1855; for it ought not to be forgotten that we were now under the pressure of a war, high prices, and diminished wages. There had also been a considerable number of drinking characters taken off by the war, some 30,000 or 40,000 young men having been removed from the country by recruiting for the army. In addition to the demand for the army and the navy, there had been a large number of young gentlemen, who used to amuse themselves by searching hen-roosts, wiring hares, and finishing their amusements in the taproom, who were now become the Bashi Bazouks of our militia. But let the House see what the returns would show—

> "A return of persons taken into custody by the police for drunkenness from twelve o'clock on the Saturday night previous to Whit Sunday, and up to eleven o'clock on Whit Monday, 1854, obtained by Mr. Stephens, chief of police, Birmingham, from the chiefs of police of ten of the largest towns in England, including, according to the census of 1851, a population of 1,414,403 souls. The return was made at the request of Mr. Joseph

Stinton, a town councillor of Birmingham, and given in evidence by that gentleman before a Select Committee of the House of Commons on Public-houses on the 20th of June, 1854. Mr. Stinton remarked, 'Whit Sunday is a great holiday in the country, and I thought that would be a very fair day to test the drunkenness of the country."

I will now read Mr. Stinton's return for 1854, and also a similar return obtained by a gentleman in whom every reliance might be placed, for Whitsuntide, 1855. The numbers returned for the two periods in the several large towns are as follow—

In 1854—		In 1855—	
„ Birmingham	5	„ Birmingham	6
„ Bristol -	6	„ Bristol -	6
„ Bath - -	0	„ Bath - -	2
„ Bradford -	1	„ Bradford	0
„ Hull - -	1	„ Hull - -	3
„ Leicester -	2	„ Leicester	2
„ Leeds - -	4	„ Leeds - -	2
„ Liverpool	51	„ Liverpool	87
„ Nottingham	0	„ Nottingham	3
„ Sheffield -	15	„ Sheffield	7
Total,	85	Total,	118

Consequently there was an increase of drunkenness, since the passing of the Act, of thirty-three cases. Such were some of the reasons why I ask the House to grant me a Committee to inquire into the operation of this Act. In the first place I am of opinion that the Act tends very much to the inconvenience and discomfort of the working classes, while it leaves the rich completely unfettered. I also contend that the Act has not had the effect which it was intended it should produce. It was one of a class of Bills called "Bills for the better observance of the Sabbath." I remember once reading in the *Examiner* an article, in which the writer said—

> "These Bills ought not to be called measures for the better observance of the Sabbath, but for the 'bitter' observance of the Sabbath."

This was indeed a "bitter" observance Act. It was an Act very much encouraged by those gentlemen who had descended lineally from the person who was found

> "Hanging of his cat on Monday,
> For killing of a mouse on Sunday,"

and who were determined to put down all who amused themselves on the Sabbath Day. But I consider that the House, in legislating that way, is not adopting the right means for obtaining the end it seeks. I read, some time ago, in Mr. Dickens's *Household Words*, an article referring to the very Act which I am now discussing, in which it was said that they were legislating as if they had some great ruffian in their minds, whom they wished to punish at all risks. In the case of this Bill one Sloggins was supposed to be the object, a man always with a black eye and a bull-dog, who beat his wife, and boxed with his neighbours, and was perpetually drunk; but to catch this Sloggins, you punish the families of Simmons, of Perkins, of Tomkins, and Hopkins. You do not care what happens to these individuals so that you get at the man with the black eye and the bull dog. So it is, for statistics show that one man in 5,000 is a drunkard, and to punish that one man you punish the 4,999 who are not drunkards. And, after all, you do not get at Sloggins; you cannot get at him, and he would get drunk, and no one could prevent him. Why, then, did you not do with him as you do with the Slogginses who beat their wives? You have passed an Act of Parliament which throws upon them heavy penalties for their brutality, but which did not persecute the well-disposed. Why not punish Sloggins for getting drunk, and not punish the innocent in order to reach a man whom you really do not touch. Drunkenness is a terrible curse, and should be punished and repressed. Every one would applaud such a course, and none more than the publicans themselves. I hope my right hon. Friend will give me the chance of proving some of the allegations which I have made. I have given some proofs of the evil operation of the Act. But if a fair inquiry is granted, and it eventuates differently to what I expect, I will be the first to submit; but, as I have a full conviction that the people of this country are suffering great discomfort from the present law; and as I am sure that the great body of victuallers are placed in positions of great difficulty by it, and that it is a measure oppressing the humbler classes, without interfering with the rich, I will leave the matter in the hands of the House, and therefore now move for the appointment of a Select Committee to inquire into the operation of the Act for regulating the Sale of Beer on the Sabbath.

MR. COBBETT said, he willingly seconded the Motion, being convinced that inquiry was necessary, and that the Act required revision. The *Manchester Courier* of the 28th of October stated that the open space near the Cathedral church presented a singular spectacle the preceding Sunday afternoon; that no one could fail to be struck by the crowd of decently-dressed men and women, tender infants and almost equally tender mothers, huddled together near the north door; that they were exposed, dripping and shivering as they were, to all the inclemency of a cold and inhospitable day, and that two policemen, who might have been otherwise better employed, were placed there to keep order. Those persons were the fathers, mothers, godfathers, and godmothers of infants brought from places miles off to be christened at the old church; there was no room in the church for them; that a landlord, whose house they resorted to for shelter, had been fined under the Sale of Beer Act of last Session, notwithstanding it was proved that the persons in his house at the time had come from Bury, a distance of seven miles; and that, consequently, all houses being closed against them, they were thus deprived of the means of shelter in very inclement weather. He had also received a letter from a gentleman at Oldham, stating that the Act was complained of chiefly by persons attending funerals in that district—that in one case in severe weather a clergyman, being a magistrate of forty-five years' standing, sent to the landlord of a public-house near the churchyard, requesting him to open his house to give the attendants refreshment, but that the landlord had been fined under the new Act, notwithstanding the clergyman wrote to the bench, stating that it was done at his request. In the north of England funerals were much more numerously attended than in the southern part of the kingdom—not only were all relations invited, but acquaintances; and consequently there was often a long funeral procession, perhaps conveying a body some miles to the place of interment. He thought it most unjust that they might not be allowed to obtain refreshment while waiting for the clergyman, or even afterwards. He hoped the hon. Member for North Lancashire (Mr. W. Patten) would define what was meant by a "traveller." According to *Johnson's Dictionary*, a traveller was a wayfarer, and he wished that word had been inserted in the Act instead of "traveller;" for he was certain it would have received a more liberal construction. He believed that magistrates were very much puzzled, and had no distinct notion of what a traveller was in the Act in question. No word admitted of more definitions. The Travellers' Club, he believed, did not admit a man to be a traveller unless he had been out of Europe; but of course that could not be the sense in which the word was used in the Act. Anybody would say a gypsy was a traveller, for he was never anything else. Were gypsies to be exempt from the operation of the Act? They might say truly, "We are travellers, and *bonâ fide* travellers, too." Then, again, what was the distinction the hon. Member drew between a traveller and a *bonâ fide* traveller? Some magistrates said a *bonâ fide* traveller meant something more than a traveller, but they did not know exactly what more; and others that it meant a traveller travelling. If the hon. Member would give the phrase a distinct definition he would greatly assist the magistrates and give valuable information to the country. He (Mr. Cobbett) must, however, say that he thought they were getting into a vein of legislation which, unless they acted prudently, was of a most dangerous tendency. He did not allude to what had happened in Hyde Park last Sunday, but he thought the House would do well to look to the condition of affairs in America, the accounts from which stated that the ferment which had resulted from a similar course of legislation was so great that there was a regular organized opposition to settle the matter at the hustings. And it was already asserted that the "liquor question" would materially affect the election of the President of the country. It was very desirable that the House should as soon as possible institute an inquiry into the working of the present Act, which would, of course, result in the settlement of the question, whether it should be repealed or not. It was impossible, however, he feared, that a Committee would, if appointed, be able to close its labours in the present Session, and therefore there ought to be an understanding to that effect, so that the country should not be deceived. He must also complain of the hurried manner in which the Bill had been passed through Parliament last Session. He understood that not one of its stages had been gone through until after 12 o'clock, so that it was a piece of midnight legislation upon a subject which ought not to have been dealt with except upon the most mature consideration.

Sir GEORGE GREY said, he did not concur in all the opinions that had been expressed by the hon. gentleman the Member for Bristol (Mr. H. Berkeley), nor was he prepared to admit the force of all the arguments on which he had founded his proposition; yet he was prepared, as he said some time ago, to consent on the part of the Government to an inquiry into the operation of the Act of last Session. He must say at the same time that a very incorrect idea would be entertained from the speeches of the hon. gentlemen who moved and seconded the Motion as to the way in which that Act was passed, and as to the motive with which the hon. Member for North Lancashire (Mr. W. Patten), proposed it to the House of Commons. It must be borne in mind that a very strong feeling was expressed throughout the country in favour, not of the limited Bill proposed, but of the total closing of public-houses during the Lord's Day. In the Committee, over which his right hon. Friend the Judge Advocate so ably presided, a great deal of evidence was received, from which it appeared that Sunday was the great day on which drunkenness prevailed among the working classes; and that on Monday mornings the greatest number of them were summoned for that offence before the Police magistrates. The question for the House to consider was, how they were to remove that temptation to drunkenness by a limitation of the hours during which public-houses should be open on Sundays, without interfering with the comforts and convenience of the great mass of the people; for he readily admitted that the latter object should not be lost sight of. The Bill underwent discussion, and was modified in passing through the House. He thought the licensed victuallers were prepared to agree to the Bill as it was modified by the House, and that there was no difference of opinion about it amongst the great body of the people. As to the operation of the Act, from all the information he had received, he had arrived at a different conclusion from that adopted by the hon. Gentleman (Mr. T. Duncombe). He believed the effect of the Act to be beneficial, but he should not go into statistics, because he thought it would be infinitely better that the statistics on both sides should be examined and sifted in the Committee, than that they should be stated in the House, where allegations could be made without being subject to cross-examination, and therefore must be received with all the qualifications that belong to *exparte* statements. He (Sir G. Grey) would allow an opportunity for the fair inquiry which the hon. Gentleman asked for, and he thought the hon. Gentleman had acted judiciously in seeking for an inquiry rather than in asking the House to retrace its steps and repeal the Act. All the inconvenience complained of was assuredly not chargeable upon the Act. The speech of the hon. Gentleman was directed against all limitation of the hours during which public-houses should be opened on the Sunday; but the hon. Gentleman should remember that in the year 1848 a limitation was made, and it was enacted that public-houses should be closed until after the ordinary hour of divine service on the morning of Sundays. There was, at the commencement, as much objection to the operation of that Act as there was to the present one; but before the Committee over which his right hon. and learned Friend, the Lord Advocate, presided, they received a great deal of evidence respecting the operation of that Act, and the testimony was universally in favour of it, in consequence of the beneficial effects produced by it in diminishing drunkenness and promoting the comforts of the people, including the licensed victuallers themselves, and it was admitted that not one of them would wish to have it altered. With regard to the statements of the hon. Member for Bristol, and the hon. Member for Oldham (Mr. Cobbett), as to the conflicting opinions of the magistrates, some of the decisions appeared to be so extraordinary that he should doubt, without further evidence, unless the hon. Gentlemen themselves were personally acquainted with the facts, that any magistrates could so decide. [Mr. H. BERKELEY: I gave the names.] He would beg further to observe that the exception with respect to travellers was not one that for the first time was introduced into the Bill of his hon. Friend. The exception was introduced into the Bill of 1848, and when the law was administered by different tribunals they could not fail to find conflicting decisions, because different views would be taken of an Act of Parliament by the different magistrates who had to decide the question. No doubt there was difficulty in deciding who were *bonâ fide* travellers, and there must be conflicting decisions on the subject; and it was therefore desirable that in this Committee some means should be adopted to procure uniformity in the administration of the law. With respect to the inconvenience that had been experienced at Manchester, the hon. and learned Gentleman (Mr. Cobbett), who had referred to the subject must know, as a lawyer, that previous to this Act, and even previous to the Act of 1848, it was illegal for a public-house to be open during the hours of divine service on Sundays. He (Sir G. Grey) believed that the complaints of this Act did not come from the people generally, but came from a limited class. He believed, if universal suffrage could be acted upon with reference to the question, it would be found that the desire of the people would be that the public-houses should be closed throughout the Sunday. He believed the objections to the Act came from the licensed victuallers and publicans, and not from the lower class of the people, but from those above them, who found their convenience affected by the operation of the Act. If there was to be an inquiry, they must have a full and fair one, and it would not be satisfactory if it were conducted in a small Committee just at the end of the Session. If the hon. Gentleman (Mr. H. Berkeley), wished to have the Committee now appointed, he (Sir G. Grey) should have no objection to the nomination of a fair one, who might arrange their course of proceedings, call for documentary information on the subject, and so long as a full attendance was obtained, prosecute their inquiry; but it was for the hon. Gentleman himself to consider whether the inquiry could be fully prosecuted before the commencement of the next Session.

MR. BRADY said, he must express his satisfaction that the Government had consented to the proposed inquiry; but he would most strongly urge the hon. Member for Bristol not to postpone the appointment of the Committee till next Session, for he was convinced that if he did so some new obstacle would then be interposed. It was impossible to stop drunkenness by legislation, because he knew for a certainty that in the low public-houses and coffee-shops of London, spirits could be obtained at all hours of the day and night. He fearlessly asserted that the general and universal opinion of the people of this country was opposed to this measure, and if legislation of such a character were carried to a much greater extent, a feeling would be aroused which it would be difficult to repress. He trusted that the Government therefore would be warned in time.

MR. WILSON PATTEN said, that from the first he had stated that, when this Act had been allowed time to manifest its operation throughout the country, he would support an inquiry into it, if it were deemed necessary. He was not so bigoted to the measure, though his name was attached to it, as to wish to pass it to the injury of any one; and if the hon. Member for Bristol could substantiate his case, and particularly that portion of it in which he stated that the effect of this Act had been rather to increase than to diminish drunkenness, then he (Mr. W. Patten) would assist the hon. Member in his endeavour to obtain its repeal. It would be the duty of the Committee to inquire into and decide on the cases which had been brought forward by the hon. Member for Bristol; but, with respect to some of those cases, it must be stated that, if the hon. Member had not been more fortunate as to his information on general points than he had been in those cases, he would find that his information was not so well-founded as he thought. The hon. Member had cited the interpretation put upon the Act by the magistrates of Liverpool, and the neighbourhood, and he (Mr. W. Patten) could assure him that he had only correctly stated two out of all the cases he had mentioned. At the same time, he (Mr. W. Patten) was bound to say that he had watched the operation of this Act, and saw that there were defects in it. The term "*boná fide* traveller" had led to a variety of decisions; he believed, however, that the number of these had been considerably exaggerated, but, at the same time, he thought than an Act of Parliament, in order to be just, ought not to be liable to a great variety of opinions on the part of the magistrates who had to carry it into effect. The hon. and learned Member for Oldham (Mr. Cobbett) had called upon him for an interpretation of the term "*boná fide* traveller;" he might with great justice say that the term was none of his, as he had drawn the Bill without that particular sentence; but he was told that he ought to make the Act conformable to those which had gone before, and he, therefore, put in the terms in which the former Acts had been framed. He had, aided by the best legal advice, drawn a clause defining the term "*boná fide* traveller," but had omitted it, because he was told by some licensed victuallers, to whom he had submitted the clause, that he had better leave it to the magistrates to act upon the old definition of the term, which they had been accustomed to do from time immemorial. It was stated that the present Act interfered with the comforts of the lower classes, and had been introduced by the upper classes. There never was a greater mistake than this. The circumstances of the case were as follows:—a Committee had sat upon the public-house question for two years; before this Committee the licensed victuallers were represented by their agents and evidence taken, but in consequence of the shoals of petitions which poured in —with the signatures of not less than 480,000 persons — begging that public-houses might be closed on a Sunday, he was requested to take up the matter and to bring in a Bill restricting the hours of public-houses being open on Sunday. He never received a letter from the upper classes on this subject; the letters he received were from mechanics, from mechanics' institutes and literary societies, and from persons wha had in his own county devoted their lives to improving and instructing the lower classes. He never received a letter from a gentleman which affected him as to his decision on the Bill. The Bill might, or might not, be a wrong one; but he could, at all events, state that it had sprung from a body of men who felt upon that subject with an intensity which the House was little aware of. He would not undertake to say what would be the result of an appeal to universal suffrage upon that point; but he was perfectly convinced that a large and not an uninfluential portion of the people of this country had ardently devoted themselves to the temperance cause as a most important means of raising the moral and physical condition of their fellow countrymen.

Mr. HENRY BERKELEY said, he must beg to explain that it was never stated that the Bill was brought in by the upper classes, but that it had the effect of creating a difference between the upper and lower classes.

Mr. WILSON PATTEN said, that it was never intended that the Act should give rise to that difference. It was said that the rich had their clubs, but the poor had not. He had turned his attention to the question of these clubs, but he was assured that they were constituted on such grounds that they could not by any possibility come within the operation of an Act of Parliament. He agreed in the opinion that, if they prevented the sale of liquors to the poor on a Sunday, they should also do so to the rich; but he thought that there had been some exaggeration with regard to the habits of the rich at these clubs. He belonged to one of the most popular clubs in London, situated in Pall Mall, and he had on Sunday last asked the steward to take notice of the spirituous liquors and wines distributed during the restricted hours on that day; and it was found that in the height of the London season, in a club numbering about 1000 members, during the restricted hours only two bottles of wine, one glass of brandy, and one glass of Curaçoa were ordered. It was stated that the Bill was brought in on very short notice, and that the public were not aware of its provisions; but he had, early in the Session, given notice of his intention to introduce the Bill, and had postponed bringing it in until the Committee made their Report. He was in continual correspondence with licensed victuallers and others, in various parts of the country, who made inquiries of him with reference to the Bill, and this proved that the public were aware of his intention to introduce it. When the Report of the Committee came out, it contained much more stringent Resolutions than he had at first introduced in his Bill, and, feeling that it would be impossible to run counter to them, he adopted and embodied them in his Bill. He was informed that if he altered the hours adopted by the Committee, and relaxed some other restrictions, the Bill would not only not be opposed, but would be supported in that House, and receive the unanimous support of the licensed victuallers. He had since been told that the information given him was erroneous, but he was induced to believe it at the time. He had taken pains to conciliate all parties, and what, he asked, had been the operation of the Act throughout the country? He believed that in the Metropolis, and other large towns, inconvenience had been felt by those persons who were accustomed to go out for recreation on the Sunday, but with respect to other parts of the country he had received accounts of the great good effected by the Act. The object of the measure was to put a stop to the state of drunkenness which was proved to have existed before its passing, and if the Act could be shown to have failed in effecting that purpose, he would no longer be its advocate. He did not, however, think that that was the case, and if the proposed Committee, in the appointment of which he was perfectly willing to concur, were fairly constituted, he should be quite ready to abide by the result of its investigation.

Mr. WILKINSON said, he must assert that this was not a fit subject for legislation. No one was more sensible than himself of the evils of intemperance; but he thought it was beginning at the wrong end to shut up the public-houses. The proper mode was to educate the people, and then they would shun intemperance. Why did not all the Members of that House get drunk on the Sunday? He believed that the habits of the upper classes were much improved of late years, and he hoped to see the improvement extend to all classes. When he was a young man, if a party of a half-a-dozen met, they never thought of separating till they got drunk. He hoped the House would see that this was not a proper subject for legislation.

SIR JOHN WALSH said, he fully concurred with the hon. Member for North Lancashire (Mr. W. Patten) in opinion that the impression prevailing out of doors that this was an aristocratic question, and one on which the upper classes were desirous of legislating against the lower, was most erroneous. On the contrary, he had the fullest conviction that the principal promoters of this kind of legislation were to be found in the ranks of the middling and lower orders; and among the most honest and sincerely religious portion of the community. Nevertheless, he concurred in what had fallen from the hon. Member for Lambeth (Mr. Wilkinson), that in attempting to legislate on the subject now under discussion, the House was departing from its proper functions, and he believed that when they tried to regulate all the moral habits of society they would not only fail in the attempt, but would bring about a reaction unfavourable to the object they had in view. He thought that objection applied strongly to the Act, the operation of which was now about to be referred to a Select Committee, as well as to other Bills drawn up in a similar spirit, and he could not help hoping that the House would pause before proceeding further in a course of legislation which would alienate the feelings of a large portion of the population, without tending to promote the ultimate success of the meritorious objects contemplated by the authors of such measures.

MR. C. VILLIERS said, by the last speaker's test, the regulation of public-houses was not a fit subject for legislation; that might be so, but he thought it was rather late to make the discovery, as that had certainly been the policy in this country for the last four centuries at least, and an Act passed a few years ago, causing these houses to be closed earlier on particular days had been, by universal assent, attended with the greatest public advantage. It had been said, that limiting the hours for the sale of intoxicating liquors could have no influence on the vice of drunkenness. Let those who held that opinion refer to the evidence taken before the Committee in question. He owned that he went into that inquiry prepossessed himself against interference, and doubting if legislation could do the good intended, but he had been completely converted by the unquestionable proofs to the contrary which had been submitted. In the first place, it was shown beyond doubt, that there were times when the poor were especially tempted to spend their money in drink, to the great injury of their families, by the circumstance of these houses being open when no public convenience required them to be so—for instance, on the nights when they received their wages, followed by a day when they did not work. This was on Saturday night and Sunday morning. A few years since ale and spirit houses might be open the whole of that time; and, upon the concurrent testimony of competent witnesses of every kind, it was shown that in all the great towns of the country, as well as the metropolis, scenes of riot and drunkenness occurred in consequence that were attended with the worst effects to the poor themselves, and which have ceased since the Act was passed closing the houses during those hours. He believed that now neither the publicans nor the poor repented this Act. What had, moreover, struck him peculiarly on the Committee was, the difficulty in getting evidence from the poor themselves against the proposition, which was at that time supported by a greater number of petitions than upon any other subject—namely, that of preventing the sale of intoxicating liquors at all on Sundays, and placing that business upon the same footing of all other trades on that day. He had been anxious himself that both sides should be fully heard, believing himself that such a measure as the petitioners prayed for would not be practicable; but he was told, that though it would probably become very unpopular, if it was passed, yet, that the poorer classes were very unwilling to take any active part against it, and it was stated by very respectable witnesses before the Committee, that many of the working class had, in their presence admitted the infirmity of their own nature with regard to drink, and that many had signed these petitions with the view to getting the Legislature to protect them against temptations that they were of themselves unable to resist. Certainly, during the inquiry, there had been held two great public meetings at Leeds, one of them the largest ever held in that town, to consider the question of closing the public-houses altogether on Sunday, and it was carried at this open-air meeting in the affirmative by a majority of two to one; and at the other one, also a large public meeting, the Maine law was discussed, and a resolution in its favour carried unanimously. He was not himself expressing any opinion in favour of this kind of legislation; but in answer to what is alleged, that this legislation was only aristocratic, or merely emanating from religious bodies, he wished to call the attention of the House to the facts, that meetings of this kind were held last year in different parts of the country, and the same conclusions had been arrived at, though they were attended chiefly by the working people themselves. Then, with reference to the Act of last year, into the operation of which it was proposed now to inquire, he must make one observation on what had fallen from its author, the hon. Member for North Lancashire. He said it was precisely the measure recommended by the Committee over which he presided. That was not exactly the case; it was the rigid part of the whole recommendation of the separatist report from the rest, and proposed as a substantive measure. The Committee were bound not to overlook the very strong evidence which had been adduced before them in favour of closing the public-houses on Sunday, but they were unwilling to impose further restrictions of this kind without proposing, at the same time, some relaxation of the law, which precluded the people from access to places of innocent recreation on that day. The Committee had considered that the Legislature ought to act simultaneously on both recommendations. They had done this, after very full and due consideration, in no way wishing to shackle the religious feelings of the country, or to violate in the least degree the sanctity of the Sabbath. They had, indeed, suggested that it should be left to the discretion of some appropriate authority to determine at what places and at what hours this counter-attraction to the publichouse should be offered. He had no objection to the inquiry that had been now moved for. He should vote for it, and if it were a fair one, he thought nothing but good would result from it, as the truth on this subject might possibly be ascertained by it.

MR. HENLEY said, he must express his satisfaction at the statement he had just heard, and at the decision of the House to grant an inquiry. The question was a very narrow one, for all that the Act did was to shorten by some three hours the time at which public-houses could be kept open, and it prevented publicans from being harassed by informations to which they sometimes rendered themselves liable from not knowing the time of the commencement and the termination of afternoon services. Every one must wish that the truth should be elicited, and he hoped the Committee would be a good one, and would not hurry the matter over. Many statements had been made with regard to the inconvenience caused by the operation of the Act to the people who went upon excursions and took walks upon Sunday, but he much doubted whether the beneficial effects of the measure would not be found to counterbalance any such inconvenience. He believed that the poor were in favour of the measure, and that if the inquiry were fairly conducted it would appear that it had not given rise to much inconvenience. A large portion of the outcry against the Act had been created by an erroneous idea that it had given rise to the difficulty as to the definition of "*bonâ fide* travellers," whereas that difficulty, he believed, would occur if the Act were repealed to-morrow.

SIR JOHN SHELLEY said, he rejoiced that there was a prospect of a full and fair inquiry. He had no doubt the result would show that the people at large were in favour of some such restriction as had been imposed. Much of the unpopularity of the measure arose from the use of the unfortunate term "*bonâ fide* travellers." He thought it might be desirable to extend the time for the sale of liquors in the summer for the convenience of excursionists. This and other matters had been overlooked last Session, owing to the hurried way in which the Bill was passed. He was convinced there had been much exaggeration as to the effect of the measure. It was his intention to propose that the Crystal Palace should be open to the people on Sundays, and he hoped to have the support on that Motion of all those Gentlemen who professed themselves anxious to promote the moral and social welfare of the working classes.

MR. E. BALL said, so far as his experience went, he believed the Act at present in operation had been attended with the most beneficial results. Two arguments had, however, been used against the measure which he felt called upon to answer. The first was, that Parliament had no right to legislate in such matters, but should rather leave the moral improvement of the people to the advances of education; and the other was, that all such legislation affected the poor without interfering with the privileges enjoyed by the rich. Now, with respect to the first argument, he would be content to ask, what would be the state of the morals of the people if Parliament was content to leave all such matters to the progress of education? And, with regard to the second, he would simply observe, that if such legislation did not affect the rich, it was just a reason why it should be extended, in order that all classes might be alike subject to its influence.

MR. T. DUNCOMBE said, he was glad it had been decided to have an inquiry on this subject, but still the question remained, when was that inquiry to be? He believed, considering how public opinion was divided upon the matter, that it would be impossible for a Committee fairly to terminate their labours during the present Session; and, even should they do so, no fresh legislation could be devised until the Session following. He should, therefore, advise the postponement of the inquiry. As showing the difference of opinion, and the want of correct information which prevailed upon the matter, the right hon. Baronet the Secretary of State for the Home Department had mentioned that he believed, if the entire country could be polled upon the subject, it would be found in favour of the entire closing of public-houses on Sunday, while, according to the return of the petitions which had been presented upon the subject, it appeared there were 358,000 signatures against the present Bill, as opposed to 128,000 in its favour. This contrariety of opinion showed the desirability of dispensing with the inquiry until it could be conducted in the fairest and fullest manner. They would, too, find some difficulty to get fifteen gentlemen to sit out the dog-days upstairs in order to inquire into the matter, while during the summer it would be impossible to get that amount of information respecting the application of the present Act to excursion trains, which could be obtained in the winter when they had ceased running. Under these circumstances, he was in favour of the inquiry, but was opposed to its adoption during the present Session.

MR. HENRY BERKELEY said, he thought the hon. Member for Finsbury entertained a wrong estimate of the character of the House of Commons when he stated that fifteen gentlemen could not be obtained to inquire into a matter so important as the present during the prevalence of the dog-days. He believed the Committee could make a short Report, and the grievance would be alleviated.

Motion *agreed to.*

Select Committee *appointed*—

"To inquire into the Act of last Session, for further regulating the Sale of Beer and other Liquors on the Lord's Day."

INCOME TAX ELECTIVE FRANCHISE.

MAJOR REED said, he rose to move, pursuant to notice, for leave to bring in a Bill

"For conferring the Elective Franchise upon persons—not being Aliens—who are assessed to the Income Tax, but are not upon the Register of Electors for any part of Great Britain and Ireland."

He would endeavour to avoid exposing himself to the severe criticisms of the right hon. Member for Buckinghamshire (Mr. Disraeli), of which, on a former occasion, he had had the proud distinction of being the object. There were in this country many gentlemen of high position and of great intelligence, who did not choose to undertake the onus of housekeeping, but who lived in apartments, and who, although contributing a large amount to the direct taxation of the country, were still deprived of the privilege of voting at Parliamentary elections. The landlords of such people, although they might live in their kitchens, and be almost entirely dependent upon the rental paid them by their lodgers, possessed the franchise, while the superior beings who lived above, and who were generally far better qualified to exercise the franchise than their landlords, were not allowed to do so. Indeed, persons who possessed a large amount of funded property, and who were qualified to sit in that House, were yet incapable of voting for Members of Parliament. It had been always an objection to propositions for an extension of the franchise that such extension was likely to lower its character by placing it in the hands of a class who were likely to abuse it; but such an objection could not, in fairness, be made to the proposal which he was now bringing under the consideration of the House, since he desired to extend the franchise to those who, from their position in the country, might justly be supposed to constitute the educated classes. He would appeal to the Administrative Reformers to give him their support on this occasion, for they could not have administrative reform unless they had representative reform. This was exactly the time when the House should extend the franchise in the direction in which he was proposing to extend it. The Government called on the people to contribute the sinews of war—to give their money and their blood towards the prosecution of the contest with Russia—and if they could make the people a recompense for that, it was surely their duty to do it. Therefore, in the name of the people of England, he appealed to the House not to call on them to subscribe to the income tax, unless they had a voice in the expenditure of the money. The poor curates in the country were especially interested in this question. They were not at all adequately represented in the House of Commons. It might be said that they were more than amply represented through the bishops in the other House; and that might be so in theory, but not in fact, for no one supposed that those big-wigs took any very great interest in the smaller fry of clergymen connected with the Established Church. Again, there was the case of the commercial travellers. He had not the honour of knowing many commercial travellers; but he did not think that any of them would reflect dishonour on that House. That class of the community amounted to something like 30,000, and they spent yearly in the country something like 900,000*l.* or 1,000,000*l.* per annum, including their stipends and the money they were allowed for travelling expenses. One-half of them might be married, and had houses, in respect of which they enjoyed the franchise, but the remainder had no votes, although they had a stake in the soil. The next class were the clerks of the public offices and of private establishments, many of whom, although men of great intelligence and independence, had no vote because they lived in apartments. [*Cries of* "Divide!"] He was not to be put down by unstatesmanlike clamour. Hon. Members might bear with him for a very short time, for he often listened to others in debates in which he took no interest, and he should never think of interrupting other hon. Members in that way. Hon. Members opposite might find his Motion inconvenient, but they could go. He would now move for leave to bring in the Bill, though he could not hope to carry it through the House at that late period of the Session.

VISCOUNT PALMERSTON: Sir, the hon. and gallant Gentleman will, I do not doubt, admit that it is rather late in the Session to bring in a Bill on a subject of this kind, especially as the Bill takes under its scope one part of a very large question that has excited a considerable variety of opinion in this House. However, the hon. and gallant Member, in bringing in this Bill, probably only desires to state his own opinion and to submit it to the consideration of Parliament, and does not expect this Session to carry his Bill to a conclusion in this House. Without, therefore, being so discourteous as to offer any opposition to the hon. and gallant Member on the terms he has proposed, I must say that I do not think his Bill is very likely to be adopted. At the same time, I do not at all mean to imply that when an extension of the suffrage comes to be considered, some extension to the suffrage, in proportion to direct taxation, may not be a very fair subject of consideration. The hon. and gallant Gentleman seems, however, to have selected as a test of qualification an interest that, whatever may be anticipated as likely to happen from the course of events, is not one which, in its nature, is likely to be permanent. Under these circumstances, so far as I am concerned, I shall not offer any obstacle to the hon. and gallant Gentleman in bringing in the Bill.

MAJOR REED said, he was extremely obliged to the noble Lord for the kind manner in which he had assented to the proposition.

MR. DISRAELI said, that last year great complaints were made as to the increase of the printer's bill, which was thought to be a subject worthy of the consideration of the House. Nevertheless, they had already that evening added an item to the bill of next year which he thought scarcely justifiable, while the extreme readiness with which the noble Lord had assented to the introduction of the Bill of the hon. and gallant Member for Abingdon would tend still further to increase the public expenditure. It was important, also, that hon. Gentlemen who gave up their energies to the service of their country should, during the recess, have that tranquillity which was necessary to prepare them, when they met again, to fulfil their duties to their constituents. Whether the agitating question introduced by the hon. and gallant Gentleman would conduce to that end, was a point which Government should have considered before consenting to the introduction of the Bill. On that ground, he thought it would have been as well if the noble Lord at the head of the Government, giving the hon. and gallant Gentleman full credit for his intentions, had, for the sake of the public expenditure, and for the tranquillity of the Parliamentary mind, not consented with such facility to the introduction of the measure. No doubt, the question was an important one, and it had been brought forward in a manner quite worthy of it; but they ought to consider whether gentlemen living in chambers and clubs, and not performing those duties which every father of a family was obliged to discharge, should enjoy the privilege which it was now sought to confer upon them. For his own part, as a householder, paying a great many rates and taxes, and endeavouring to fulfil all those duties which he owed to society, he was not prepared to admit that gentlemen who lived in apartments, and enjoyed clubs, were entitled to the privileges which the hon. and gallant Member for Abingdon seemed to think were their due. However, after the able manner in which the question had been brought under the notice of the House, and the graceful assent which had been notified from the treasury bench, he would not give the House the trouble to divide, though the noble Lord had spoken with a volatile rashness which he could not entirely approve of.

Leave *given*.

Bill *ordered* to be brought in by Major Reed and Mr. Apsley Pellatt.

STAGE CARRIAGE DUTIES.

GENERAL WYNDHAM said, he was desirous of bringing under the consideration of the House the state of the supply of troop and artillery horses, and the effect of the duties levied on stage carriages and omnibuses in diminishing the supply of useful and seasoned horses, suitable for the army, and also in discouraging the breed of horses generally. He considered that great injustice was done to the proprietors of stage carriages by the heavy duties at present inflicted upon them. By the mode in which the duties upon stage carriages were at present levied an enormous sum was exacted from the proprietor of stage carriages, while the owner of a private carriage was comparatively untouched. It was said that the sum raised by the tax could not be spared by the Chancellor of the Exchequer, but the Chancellor of the Exchequer had already remitted taxation to the same amount in other instances, and there was no reason why a concession might not be made in this case. With regerd to the diminution of the supply of horses for the artillery and cavalry, he believed it was well known that in the late war 100,000 stage-coach horses were employed in the army, while during the present war there had been only 40,000 of these horses employed. He thought that it was highly desirable that the breed of this description of horses should be encouraged as much as possible. He therefore asked the House to agree to the Motion of which he had given notice.

SIR JOHN SHELLEY seconded the Motion. He believed that, while the duty on railways had been reduced from 5 to 3½ per cent, that upon stage-coaches was now something like 15 per cent. The railway was taxed upon its earnings, whereas the coach proprietor was taxed by mileage, whether his vehicle took its full complement of passengers or none. Now, where such competitions existed as there was between railways and coaches, the burden borne by both ought certainly to be the same. In addition to railways, however, these omnibuses had to meet the direct competition of cabs, in the duty upon which the House of Commons, last year, had made a great reduction, the result being that, while cabs had increased, omnibuses had diminished in number, and the revenue was falling off in the same proportion. He thought it behoved the Chancellor of the Exchequer to consider whether the same privilege should not be granted to the omnibus proprietors here which had been granted to certain parties in Manchester, where the duty had been reduced from three-halfpence to one penny per mile. Believing that the loss to the revenue would be nothing like that which was expected; being of opinion, too, that, whether the country was at war or peace, an act of simple justice ought to be done, he cordially seconded the Motion.

Motion made, and Question proposed—

"That, in the opinion of this House, the Laws relating to the Assessment of Duties on Stage Carriages in England, Scotland, and Wales, should be immediately modified."

MR. BROTHERTON said, he was desirous of stating that the remission of the duty at Manchester had been productive of benefit both to the public and to the revenue.

LORD ROBERT GROSVENOR said, the Chancellor of the Exchequer had admitted that this was a falling revenue, and he believed it was universally the case that a partial remission of taxation in such an instance was attended with benefit to the revenue. There was one point in respect of which he was anxious to have an explanation from his right hon. Friend. The deputation which had recently waited upon the Chancellor of the Exchequer represented their grievances to him, and it was understood that all those grievances were alike. Judge, then, of their astonishment on finding afterwards that this duty had been remitted in the case of three firms at Manchester, while throughout the whole omnibus trade of London not one single halfpenny had been remitted. He should be glad to know the grounds upon which this distinction has been drawn?

MR. W. WILLIAMS said, he felt convinced that the present duty was highly injurious to the omnibus proprietors, and he thought that great relief would be afforded to the public by the removal of the present high taxes upon horses. He trusted that the Chancellor of the Exchequer would give his best attention to the subject with a view to the repeal of the duty. It was not only injurious to the omnibus proprietors, but, by diminishing the number of omnibuses, entailed upon the public serious inconvenience.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the Motion of the hon. and gallant Member for Cockermouth divides itself into two portions. In the first part he proposes "to bring under the consideration of the House the state of the supply of troop and artillery horses, and the effect of the duties levied on stage carriages and omnibuses in diminishing the supply of useful and seasoned horses suitable for the army, and in discouraging the breed of horses generally." With respect to that

part of the Motion, I will only say, I am not aware that the duty to which he refers exercises any prejudicial influence on the supply of horses to the army, or generally on the breed of horses in this country. The mileage duty upon horses drawing public carriages is a duty which has not only existed since the peace of 1815, but during the late war, at rates higher than the present; and it has never been argued, and certainly never proved, that that duty, which falls generally upon the owners of horses employed in that manner, can be said to exercise extensively any prejudicial influence on the supply of horses to the army. I was not quite able to follow all the remarks of the hon. and gallant Member; but I venture to assert that he has not adduced such facts as will induce the House to attach any great weight to that part of the Resolution. The material part for the consideration of the House is that in which he proposes that "the assessment of duties on stage carriages shall be immediately modified. By "duties on stage carriages" I presume he means the mileage duty on horses drawing public carriages, and not the licences on the carriages themselves, to which I do not understand that any great objection applies. I shall take the liberty of calling the attention of the House to the fact that the mileage duty on horses drawing stage carriages, which at present is 1½*d.* per mile, is a reduced rate, as compared with the duties paid in former years. By the Act passed in 1815 a scale of duties was adopted, varying from 2½*d.* to 5½*d.* per mile according to the number of passengers, and the average charge per mile for each horse drawing a public conveyance was about 4*d.*, as compared with 1½*d.* That scale continued until 1842, when a new one was adopted varying from 1*d.* to 4*d.* per mile, also determined by the number of passengers, and the average charge per mile under that Act was about 3*d.*, or double the existing duty. That rate existed until about two years ago, when the present rate of duties was imposed. It has been stated that the present is a diminishing duty in the amount returned to the revenue, and there is no doubt that statement is true to a certain extent. I will inform the House of the exact figures. In 1849 the total amount of mileage duty was 188,848*l.* In 1854 it was 185,378*l.* Therefore, it may be said to have been rather higher, taking the last six years for a comparison; but, although it has slightly fallen, it is really nearly stationary. In the metropolis, where the greatest portion of the mileage duty is produced, the result is very much the same. In 1850 the duty in the metropolis produced 113,123*l.* It was greater in the three following years, but in last year it only produced 112,961*l.*, leaving, as in the former case, a slight diminution, but exhibiting a state nearly stationary. I have had communication with gentlemen from different parts of the country, and I am fully prepared to admit this interest is subject to considerable pressure. But the chief part of that increased pressure is, in my opinion, due to causes unconnected with the duty. It is owing partly to the high price of forage. It is owing to the increased price of horses. It is owing to the increased competition of railways and of steamers on rivers. With regard to the metropolis, I may also add, a disadvantageous effect has been produced on omnibuses by the increased number of cabs in consequence of the measure of two years ago, by which the radius within which hackney cabs can ply for hire was extended, from four to five miles of the General Post Office, to the whole metropolitan district, which is about fifteen miles. The result has been, that whereas in 1848 the number of hack cabs in London was 2,849, in 1854 that number had risen to 3,720. All these circumstances, coinciding with a somewhat high and not very well arranged duty, have caused a combined and accumulated pressure on this branch of industry, and the result is, that this interest is at present in a suffering state. I am quite free to admit that if I were bound to submit to the House a supplementary budget, and bring under consideration a plan for the modification of duties, in addition to those modifications which it has already been my duty to submit to the House, this mileage duty would be one entitled to a prominent place. There are also questions of its relations to the taxation of railways, which, perhaps, are not adjusted on terms of perfect equality. If gentlemen who wish to bind the House by abstract propositions, that the assessment of certain duties shall be immediately modified, without sketching, even in general terms, the nature of the modifications which they propose, would take the trouble to investigate the subject, they would find how difficult it is to select one duty of this sort for alteration without including other duties in the same plan, and they would hesitate before submitting such propositions to the House. After what I have stated, I can only add that if a favourable opportunity should present itself for the reconsideration of this class of duties, I am fully alive to the objections which exist to them in their present form, and I am quite ready to admit that they occupy a prominent place among those duties which require revision, whenever the state of the revenue shall be such as to admit of a diminution of the income of the country. Perhaps the House is not aware that, to carry into effect the suggestion of the hon. and gallant Member, we must make an estimated sacrifice of 50,000*l.* of revenue, and, although I do not say it is not possible to make up 50,000*l.* in other ways, the House must see that, if claims of this sort are admitted with respect to one duty, similar claims will be made for the remission of other duties, and the difficulty will be to make an equitable selection without taking a more general view of the subject. I have already said there are circumstances which render a consideration of this subject necessary; but at present I hope the House will not agree to the Motion.

MR. DISRAELI: Sir, I would observe that this is no new grievance. This question has been brought before the House on previous occasions, and I am sure it has been brought under the consideration of former Chancellors of the Exchequer. Now I want to know in what way redress can be obtained for a grievance which all admit to be a real grievance, because it is not founded upon merely momentary circumstances. In what manner can this question ever be brought to a satisfactory issue unless the House takes it up? We have had deputations for years, represented from both sides of the House, and we have had those representations sympathised with by those who have had official responsibility, and, notwithstanding the remarkable opportunities which have occurred during the last few years for adjusting the balance of taxation, no redress has been afforded in this particular instance. When in office I felt myself it was a case which demanded attention at the earliest opportunity. The right hon. Gentleman the late Chancellor of the Exchequer publicly acknowledged it was a case demanding attention. Let the House consider the causes alleged by the Chancellor of the Exchequer for the depression of this interest, and consider whether they are temporary or not. They are occasioned by railways, although nobody could expect that railways would cease to carry traffic; by steamers, but no one fancies that steamers are likely to disappear; by the high price of forage; it is possible that forage may not always be so high in price as now; by the high price of horses, but there is no great probability, at all events at present, of the price of horses diminishing. We want to know in what possible manner can redress be obtained for a grievance which has existed now for a considerable time, and has become permanent, unless the attention of the House is called to it by some Motion similar to that of my hon. and gallant Friend (General Wyndham). His motion has been called an abstract Resolution. Now I never heard a Motion which appeared to me to be less abstract—it complains of a practical grievance and indicates a practical remedy. It says that the duty is too high, which occasions unjust pressure, and it asks the Government to modify that high duty. If my hon. and gallant Friend had indicated the details of a measure by which those modifications should be carried into effect, the Chancellor of the Exchequer might have said "Leave them to me;" but if the tax is unjust, we say, let it be modified. Then it is said, the Chancellor of the Exchequer has modified the tax. I thought he rose to explain that point. I did not think he rose to announce that the steam-engine had been invented, that railways had been constructed, that forage was dear and the price of horses high. I thought he rose to explain that he had done that which my hon. and gallant Friend practically recommended him to do; why he had modified this grievous impost at Manchester; and why he had not done that in London, where we are told the grievance presses more than in any other part of the country. I really think we ought to expect from the Government some satisfactory explanation of the experiment which, according to the testimony of the hon. Member for Salford (Mr. Brotherton) has been so successful and satisfactory. I hope, therefore, that the noble Lord at the head of the Government, or some of his colleagues, will give us that information upon this interesting topic which the Chancellor of the Exchequer has accidentally omitted to do. The right hon. Gentleman tells us the tax was settled in 1842. We know it is only within the last ten years that the railway communications of the country have been brought into complete play, and produced that intense competition with the suffering industry, the depressed condition of which is now under our consideration. Even the Chancellor of the Exchequer himself must admit that the principles which railways so successfully carried on are taxed, and the principles of taxation upon the old mode of communication, are quite opposed to each other and are essentially unjust. The tax on successful industry is calculated on its profits, while the tax on depressed industry is really calculated on its capital. Now I ask can the House vindicate such a principle? It is hardly necessary to notice the previous portion of the Motion of the hon. and gallant Member, because the practical remedy is not directly stated, but I would only observe, that all your taxes upon horses are too high, while at this moment you are in want of horses. You are obliged to go to foreign countries for animals, and this land, which once was famous for its breed of horses, is absolutely unable to supply the public demand. You take no steps to diminish the high amount of taxation imposed upon them. I shall feel it my duty to support the Motion of my hon. and gallant Friend. I think it one of the most proper and justifiable Motions ever brought before the House. I never wish to see any Chancellor of the Exchequer unduly pressed, but I put it to both sides of the House what chance there is of obtaining redress for a grievance which is now universally acknowledged to exist, unless the House takes the matter into its hands? The Chancellor of the Exchequer says he will lose 50,000*l.* if he assents to the proposition. It is inconvenient and quite unnecessary to enter upon that point until it is put forth in a more business-like manner, and I shall content myself with saying I view that estimate with very great suspicion. After what has occurred this year with regard to taxes on newspapers, when 250,000*l.*, with very questionable discretion, in a very improvident measure, which was accepted by those who first agitated and recommended the change in a very unthankful spirit, was given up, I think it would have become the Government to accede to this practical Motion, in which an important interest is concerned; and I further think they ought to have come forward in proper time to grant that redress which, I think, it is now the duty of this House to give.

THE CHANCELLOR OF THE EXCHE-

QUER: I wish, Sir, to make an explanation with regard to the case of Manchester, which has been alluded to in the course of this discussion. It is quite true that the Board of Inland Revenue has by special indulgence allowed certain persons in Manchester an abatement of duty, but it was on the ground that their competition was exclusively with railways. I have had communication with the Board of Inland Revenue as to whether the same circumstances would not apply to the London trade, and I have received a most distinct assurance that the grounds on which alone this remission of duty was granted at Manchester do not apply in London.

MR. WALPOLE: I really, Sir, do not think the last observation of the Chancellor of the Exchequer ought to pass unnoticed. Here is a general tax imposed. The people of this country are given to understand that it is to affect a particular class, and a few individuals of that particular class, upon application, are exempted from its operation. I think it is far too serious a question to pass over, and I trust the House will support the Motion of my hon. and gallant Friend.

VISCOUNT EBRINGTON said, he was informed that in February, during the tremendous frost, the omnibus proprietors of London made application for a month's concession of the boon granted to the Manchester proprietors, and were refused.

MR. WILSON said, that the concession made to the people of Manchester was not a peculiar concession made to them; but was an exercise of an unquestionable power given to the Board of Inland Revenue, which had been exercised both before and since it was given to Manchester. For instance, the Board of Inland Revenue compounded for the duty with the proprietors of the stage-coaches which ran in the Lake district for a part of the year only. He did not say that this case was analogous to what had been done in Manchester. All he said was, that what had been done was done by the Board of Inland Revenue on their own authority, and in the exercise of their unquestionable power, and not as some hon. Members seemed to suppose for political purposes.

MR. MILES said, that the question of concessions made at Manchester had alone been referred to by the hon. Gentleman; but he understood that a similar concession had been made in the metropolis to Messrs. Chaplin and Horne, and he did not understand why they should not be placed on the same footing as all other omnibus proprietors.

MR. E. ELLICE said, he hoped that the Chancellor of the Exchequer would yield to the Motion. The hon. Gentleman the Secretary to the Treasury had referred to the case of the Lakes districts in England; but in parts of Scotland it was the summer traffic alone which could remunerate the innkeepers for keeping post-horses, and yet in their case no exemption had been made.

VISCOUNT PALMERSTON said, he wished to remind the House that this modification of the duties in the case of Manchester had not been made by the Treasury, but by the Board of Inland Revenue, and therefore it was a mistake to call upon his hon. Friend the Secretary to the Treasury to explain the grounds of an arrangement which was not made by the department to which he belonged. With regard to the question before the House, it must be admitted that the duty stood in a somewhat unsatisfactory condition, because, whether rightly or wrongly, modifications had been made which placed different places on different footings. Seeing, therefore, that the Government had the authority of the House to take the matter into their consideration, with a view to the modification of the existing duties, he was not disposed to oppose the Motion.

Question put, and *agreed to.*

ADULTERATION OF FOOD.

MR. SCHOLEFIELD said, he rose to move for a Select Committee to inquire into the adulteration of food, drinks, and drugs. Adulteration had so greatly increased of late years that some inquiry was absolutely necessary; but if fraud had increased so as to outstrip existing legislation, the means of detecting fraud had been still more increased by the knowledge which had been acquired of organic chemistry. A gentleman who had been a Member of that House, Mr. Wakley, to whom the public owed a debt of gratitude, had made some startling disclosures with regard to the adulteration which took place, although in the course of that task he was subjected to various annoyances, and even to threats of personal violence, and some of the details which that gentleman had published were well worthy of attention. He could adduce numerous and startling instances of the adulterations in food, &c., which were practised, but he would content himself with giving the House a few samples to show the average condition of those adulterations. He found that out of thirty-four samples of coffee all were adulterated except three; and in many instances there was really no coffee at all in the compositions. Chicory itself was adulterated very considerably with ground acorns, carrots, horse chestnuts, and stuff mixed with bullocks' liver. Out of fifty-six samples of cocoa eight only were genuine, and 30 per cent of the adulterated cocoas was clay. The adulteration of food, however, was not the worst. After people had been injured by adulterated food they were obliged to have recourse to medicine, but he was sorry to say that the adulteration in drugs was equally great, if not greater; in fact, there was hardly a single article in the *materia medica* but what had been found to be adulterated. Efforts to arrest the evil in France, America, and Prussia had been successful, and there was no reason why they should not be so in England.

Sir GEORGE GREY said, that after the revelations that had taken place on the subject it deserved to be inquired into, but he doubted whether the inquiry could be completed during the present Session.

Motion *agreed to;* Select Committee *appointed.*

BLEACHING, &c., WORKS.

Mr. I. BUTT said, he would now beg to move for leave to bring in a Bill to regulate the employment of females and young persons under eighteen years of age in bleaching, finishing, and dyeing works.

Sir GEORGE GREY said, that notwithstanding the Bill was founded on the Report of a Committee, the Report was a long one recently made, and he knew there would be considerable opposition to the Bill. He would not, however, object to its introduction, on the understanding that it should not be brought under discussion at an early day, nor without due notice.

Mr. HADFIELD said, he trusted that the Government would bring in a general measure to set at rest the interests of masters and servants, not for one part of the country, nor for one trade, but for all parts of the kingdom, and for all trades.

Mr. CRAUFURD said, he thought, if legislation was desirable at all on this subject, the Government should originate it.

Leave *given.*

Bill ordered to be brought in by Mr. Isaac Butt, Lord John Manners, Viscount Goderich, and Mr. Crook.

Mr. Scholefield

POSTAL ARRANGEMENTS (WATERFORD, &c.)

Mr. Meagher, Mr. Henry Herbert, Mr. Fagan, Mr. Maguire, Mr. De Vere, Mr. Liddell, Sir Stafford Northcote, Mr. Barrow, Mr. Dunlop, Mr. Wickham, Viscount Monck, and Mr. Wilson, nominated Members of the Committee.

Colonel DUNNE said, he objected to the Committee as nominated, on the ground that there were only six Irish Members upon it.

Mr. WILSON said, he thought that Ireland was fairly represented. He saw no reason why Irish Members should not sit on English Committees, and English Members on Irish Committees. In the present instance there were six Irish representatives and another Member who was intimately connected with Ireland.

Mr. VINCENT SCULLY said, he must complain of the systematic exclusion of Irish Members from important Committees and offices of high trust. It was notorious that there was not a single Irishman in the Cabinet, and that, with one exception, there had been no Irish Member on the Sebastopol Committee. That one Irishman had been withdrawn, and was no party to the preparation of the Report. As a general rule they were shut out from everything of importance, and if they possessed a particle of talent they were certain to be excluded.

Mr. HUTCHINS said, he should move the omission of the name of Mr. Gordon, which already appeared upon another Committee. It was impossible for one Member to serve on two Committees simultaneously.

Colonel DUNNE seconded the Amendment.

Mr. I. BUTT said, he thought that no hon. Member's appointment would give greater confidence to Ireland than that of the hon. and gallant Member for Portarlington (Colonel Dunne). There was no Irish Member on his (the Opposition) side of the House nominated for this Committee.

Mr. OTWAY said, he also must complain of the system of selecting Members to serve on Committees generally. Having expressed himself desirous of serving on the Committee on the military education of Sandhurst College, he was told that he must make friends with the right hon. Member for Wells (Mr. Hayter) if he really wished to be appointed; but he had declined to do anything of the kind. Young Members like the hon. Member for Beverley (Mr. Gordon) ought not to be put upon two Committees at once, while other Members had not an opportunity of learning their duties.

VISCOUNT PALMERSTON said, he considered it premature to object to Mr. Gordon's nomination. If that Gentleman were a fit person to act on this Committee he should be elected; and then, when the second Committee came to be appointed, his name might be struck out of it if necessary.

MR. VINCENT SCULLY said, he was surprised that the hon. and learned Member for Youghal (Mr. I. Butt) did not recognise on the Committee the names of the hon. Member who sat next him (Mr. Maguire) and the hon. Member behind him, the Chairman (Mr. Meagher). He also denied that there were no other Irish Members in whom the public would have confidence but the hon. and gallant Member for Portarlington.

VISCOUNT GALWAY said, he considered it absurd to appoint Committees and introduce new Bills, when the massacre of the innocents had commenced.

Motion made, and Question put, "That Mr. Gordon be one other Member of the Committee."

The House *divided*:—Ayes 52; Noes 34: Majority 18.

Mr. Lowe nominated one other Member of the Committee.—Power to send for persons, papers, and records: Five to be the quorum.

The House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, June 27, 1855.

MINUTES.] PUBLIC BILLS.—1° Bleaching, &c. Works; Endowed Schools (Ireland); Copyhold, &c. Commissions Continuance; Bankruptcy and Insolvency (Ireland).

3° Youthful Offenders (No. 2); Court of Exchequer (Ireland); Union Charges Act Continuance.

FORMATION, &c. OF PARISHES BILL.

Order for Second Reading read.

THE MARQUESS OF BLANDFORD said, that in moving the second reading of the Bill, he hoped the House would take its principle into consideration, notwithstanding the late period of the Session, on account of its great importance, although there might not be much prospect of its being passed into a law during the present Session. In furtherance of his desire to have the Bill at least read a second time—and he did not propose to go further with it this Session—he might instance the present state of the Education Bills. Its object was threefold; in the first place, to promote the independence of existing districts; secondly, to give increased facilities for the formation of new districts; and, thirdly, to provide means for the better endowment of poorly endowed churches. He would briefly state the inconvenience arising from the present system, and the remedy which he proposed to apply. The House was of course aware that the Established Church was divided into two great branches, the episcopal and capitular branch, relating to the dignitaries of the Church, and the parochial branch, relating to those who were, in fact, the sinews of the Church, the working men, upon whom devolved the labour and heat of the day. Upon the first branch much attention had been bestowed by Parliament, and a great deal had been done to promote its efficiency, but the attention of Parliament had been very little drawn to the parochial portion of the Church. Large funds had been voted for the building of churches and other purposes, but little had been done to regulate the complex and anomalous laws affecting the various divisions of the districts assigned to the churches after they had been built. The consequence was, great and serious inconvenience had resulted, as he would shortly show, to hon. Members. The divisions of districts and parishes had been made under the authority of a Commission appointed thirty years ago to administer a Parliamentary grant for the building of churches. That Commission granted loans for the building of churches, and assigned districts to them as they were built. The first description of districts formed under the Church Building Commissioners' Act was that of district parishes. The churches in these district parishes were built either by means of rates, or loans, to be repayed by rates; they had then districts assigned to them; no services of the Church, such as the services for marriage, burial, and baptism, was permitted to be performed in them until after the avoidance of the mother churches, and the inhabitants of the districts were liable, with those of the original parishes, to be rated for the repairs of the mother churches for twenty years. There were seventy-nine of these district parishes, but, as they were found to be insufficient for the wants of the country, the Commissioners created consolidated chapelries, the number of which was at present ninety-two, consisting of portions of different parishes contiguous to each other. There was a remarkable difference in the laws regulating the district parishes and the consolidated chapelries, for in the latter all the services of the Church were permitted to be solemnised immediately on their formation, and whereas in district parishes the patronage was vested either in the patron or in the incumbent of the original parish, it was disposed of in consolidated chapelries in whatever manner might be agreed upon between the patrons. The next description of districts to which he wished to call attention, consisted of districts assigned to chapels-of-ease already in existence. They were called district chapelries, and they numbered no less than 578. The patronage was vested in the incumbent of the original parish, and there was a most incongruous and extraordinary arrangement with regard to the services and fees. In 355 cases the services were secured to the incumbent of the district, in ninety cases they were reserved to the incumbent of the district after the avoidance of the parish church, in three cases a portion of them only was so reserved, in six cases they were wholly reserved to the incumbent of the mother church, in thirty-two cases some of them were reserved to the incumbent of the parish church until after its avoidance, in fifty-seven cases they were divided between the incumbents of the district and of the parish church, in nine cases a similar arrangement was made under local Acts, in one case they could be performed by the incumbent of the district after a given date, in fourteen cases the incumbent of the district could perform them subject to the repayment of some of the fees to the incumbent of the mother church, and in thirteen cases none of them could be performed by the incumbent of the district. Another class of districts was created under the private Patronage Act, which gave the patronage of any district chapelry to any person building and endowing a church to the amount of 40*l.* per annum, and the number of districts of this description created by the Commissioners was seventy-two. There was some difficulty in distinguishing in what cases the Commissioners, and in what cases the bishops, had power to create these districts; 221, however, had been created by the bishops. The natural result of the state of things he had described was one of great complexity and confusion, much of which had, no doubt, arisen from the extension of the principle upon which the Commissioners had first proceeded. One of the first conditions originally laid down for the building of a new church was, that the population of the district should not be less than 4,000, that there should not be accommodation for more than one-fourth of the inhabitants in the mother church, and that 1,000 of the inhabitants should reside at a distance of more than four miles from the church ; but a subsequent Act partially removed these restrictions, and by the 14 & 15 *Vict.* they were altogether removed. District chapelries at first had no parochial *status*, but were looked upon as appanages of the original parish, dependent on its incumbent, but successive Acts of Parliament had increased their independence, and a recent Act, provided that when they had received an augmentation from Queen Anne's Bounty they should become benefices and the incumbents perpetual curates. Great inconvenience arose from the present state of things in three respects—the payment of church-rates in these districts, the effect of the present system upon the performance of divine service in the mother churches, and the payment of fees to the mother church. With regard to the payment of church-rates, the Rev. F. Wade, the incumbent of a large parish in Staffordshire, in his evidence given before the Commissioners, said—

> "There is one case I should wish to bring before the Commissioners, and I think it is a very strong one as illustrating my view, that where a division takes place, it tends to facilitate the collection of the rates. I allude to the parish of Stoke-upon-Trent, one of the largest in England. Some years ago that parish was divided ; the Act of Parliament under which it was divided was the 47th of *Geo.* III., c. 114, s. 2, and the ancient chapelries of Newcastle-under-Lyme, Burslem, Whitmore, Bucknall, Bognall, and Norton-in-the-Moors were constituted under the provisions of that Act separate rectories, leaving still to the parish church of Stoke-upon-Trent the two ancient chapelries of Lane End and Hanley. These five rectories that had been severed from the parish church enjoy their rates unquestioned at the present moment, and the parish church of Stoke-upon-Trent has lost its rates, and every attempt to collect a rate in that parish has been frustrated —not by the people resident around the parish church in its own proper district, but by the opposition offered to the rate from the outlying townships of Hanley and Lane End. The parishioners of those districts have come down and voted against the rate ; no portion of it would go to support their new chapelries, and therefore they have successfully resisted the rate. Now, those churches that were severed have their rates at

the present time, and there are a number of new chapelries built in that parish under various Acts, principally the 1st and 2nd *Will.* IV., c. 38—the chapelries of Penkull, Fenton, Trent Vale, and Hart's Hill; every one of these parishes or districts is a source of weakness to the mother church, because they oppose the rate for the parish church, whereas I have the authority of the clergy of those districts to state that if they were severed they would at once lay a rate and collect it."

The inconvenience of the present system in regard to the solemnisation of the rites of the Church could not be more forcibly shown than by the evidence of Mr. J. Morley, speaking of the collegiate church of Manchester—

> "How many marriages have you of a Sunday?—Sometimes as many as sixty."
>
> "I presume the Commissioners are to understand, when you say from 124 to 312, with reference to banns, you only mean for a single time?—The gross number of banns published on the 2nd of January, 1848, was 124."
>
> "Can you state to the Commissioners the number of baptisms?—In 1847, 4,269; in 1848, 4,652; and from the 1st of January this year to the 24th of June, 2,208."
>
> "Is the whole ceremony gone through?—No; it is anything but solemnly performed on account of the numbers. The clergy used their best endeavours, and we have four apparitors present to preserve order."
>
> "How are the fees paid, and where are they demanded?—The sacrament of baptism is administered on Sunday after the evening service, and usually commences about 5·30. The mothers, with their infants, are admitted into the chapel adjoining the chancel. Those having male children are placed on one side, and those with females on the other, the sponsors standing behind. The service is read by one of the officiating ministers present. The responses are made by the clerk and a few of the sponsors in the immediate vicinity of the clergyman. The ceremony of baptising then begins; one minister takes the boys and another the girls; but before the conclusion of the words that are repeated to all, there exists a scene of confusion and noise not consistent with so solemn an ordinance; the children crying and the mothers in vain endeavouring to appease them; some talking, others walking, notwithstanding the efforts of the four apparitors. It ought to be stated that prior to the baptismal service, and during the general service, many of the parents and sponsors resort to a public house adjoining the church, where they may be seen drinking and smoking; those who are unable to write out in proper form the paper required to be given to the clerk for registration are here furnished with a form in consideration of the parties paying a small sum of money or taking a glass of liquor. The writer was shocked to witness these scenes on Sunday last at the Black Boy public house, whither he resorted with one of his colleagues. Some of the men who stated that they were about to become sponsors were under the influence of the drink they had taken."

With regard to fees, Mr. Wade was asked whether there were not other reasons besides the former that made him desirous of separating his districts more completely from the mother church? His answer was—

> "Yes; two or three reasons that I would simply refer to, and one is, the great objection and opposition that arises to the payment of double fees, where double fees are exacted from those new districts. The people have been at great expense to build the churches, and yet they find they cannot enjoy from their own clergymen the various offices of the Church. Their associations naturally lead them to call upon their new minister for burials, marriages, and other offices, but they cannot have them without paying double fees."

The Rev. E. Blick, the rector of Rotherhithe, gave important evidence on this subject. He said—

> "I may add, that I so dislike the system of double fees, that I think they ought never to be endured, except when the poverty of the mother church renders it necessary. . . . . The case was different at Rotherhithe, and I have been able not only to give the clergymen the fees in their districts, but also every fee they could take at their church, leaving to myself any fees that came to my church; then you see the people do as they like, and the fees at the district churches are beginning to be very considerable, and, strange to say, mine have not diminished very much at present, and I believe it is the parochial division that has worked up the thing."

He now came to the proposals of his Bill, First, with regard to sites, he proposed to follow the precedent of the existing law, and to vest all the sites in the incumbent of the different churches as soon as they assumed an independent character. He proposed that all the districts created under the Church Building Acts should have a complete and independent parochial character. The Bill provided that upon the application of the incumbent and churchwardens of a district, the Ecclesiastical Commissioners should have the power to erect that district into a separate and independent parish. The name and designation of the ministers was not unimportant. It might be asked, "What is in a name?" He thought there was a great deal in a name. The name of perpetual curates implied dependence upon some authority other than a bishop, and he had received communications from clergymen of great experience in the Church, stating the inconvenience which arose from this cause. The Rev. Dr. J. Baylee, the head of a theological college at Birkenhead, said—

> "Small a matter as it may appear, yet it is a practical inconvenience to a district minister never to be able to speak of his parishioners. It creates an invidious distinction which has in it no

> reality, and yet sometimes the pressure of it is felt when a clergyman feels it almost too small a thing to speak of in public. It creates a sort of apparent vassalage to the parish church, often abundantly sufficient to create irritating trivialities, all the more annoying because they are so little understood by the general public that a clergyman who complained of them would appear to make too much of trifles. I speak from considerable experience in assuring you that the removal of this inconvenience would prove a great boon to the Church."

What was wanted was, that the ministers of these churches should feel that they, and they alone, were responsible for the spiritual welfare of their flocks, and he therefore proposed that the incumbents of those districts which were created into separate and independent parishes should either be designated vicars or rectors, as the mother parish was a vicarage or rectory, and that all the services of the Church should be performed in all these districts. Where the fees were reserved to the incumbent of the mother parish, they would be continued, until the first avoidance of the mother parish, after which these fees would form part of the usual and ordinary endowment of the separate parishes. The 6th and 7th *Vict.*, commonly called Sir Robert Peel's Act, vested in the Ecclesiastical Commissioners the power to constitute districts and parishes. The Commissioners had erected 242 parishes under that Act, in 189 of which churches had been built, and they had become perfect parishes. The Act consisted only of some twenty-five clauses, strongly contrasting with the cumbrous machinery of the Church Building Acts. Unless some Act were passed to continue the Church Building Commissioners in the exercise of their functions, their official existence would expire on the 26th of July, 1856. Instead, therefore, of consolidating the various Church Building Acts, he proposed to repeal them, and upon the expiration of the Church Building Commissioners to vest whatever property they had in the Ecclesiastical Commissioners for England. He also proposed that the powers of Sir Robert Peel's Act should be extended, so as to enable the Commissioners to continue the subdivision of parishes to any extent that might be required in future, and to give them powers to constitute a district, whether it contained a church or not. It was a very simple Bill; because it had taken as its basis, the parochial *status*. Saving existing interests it proceeded upon that simple principle that the districts constituted should be parishes, and their ministers pastors. As an instance of the benefit of this principle, he begged permission to read a statement of what had been done in the parochial district of St. Andrew's, Lambeth, which contained a population of a most demoralised character. A church was being built in this district, and the incumbent said—

> "The district was assigned under the late Sir Robert Peel's Act. Its boundaries are the river Thames and the New Cut, Cornwall Road, and Broad Wall, and it has a population of 8,000 souls. When I came here, five years ago, there was no place of worship of any kind whatever, and only a small ragged school; since then the Ragged Schoolhouse in Windmill Street has been built; the temporary church in Thomas Street and the Ragged Church in Windmill Street have been opened; Sunday schools, a district visiting society, a clothing society, a maternal society, a young men's society, a provident fund, cottage lectures, and Bible classes have been established. . . . Reviewing our work, while, on the one hand, we have many shortcomings, infirmities, and deficiencies to humble us, yet, on the other, we have abundant reason to thank God and take courage. The Divine blessing has graciously rested upon our endeavours. This is seen in the improved physical, social, and moral condition of the people, in the kind reception which the clergy and their assistants universally meet with, in the readiness shown by the people to receive religious instruction, in over-crowded schools, in the number of outcast boys got into refuges, fallen females into asylums, persons living in fornication married; in the evidence which many give of real conversion to God; in the large number of district visitors, Sunday and week-night teachers, and in the general interest which has been awakened in the minds of the people; so that we have reason to believe that many hundreds would attend church if they had the opportunity."

Another subject was, that of endowments. The ancient principle as to endowments was stated in *Burn's Ecclesiastical Law.* Those who built or endowed churches were entitled to the *jus patronatus*—the right of presentation. Now, that he considered was a principle upon which the House should still proceed. At present, endowments were frequently provided in great part out of pew-rents, but there were great evils attendant upon this system. He did not mean that pew-rents, as a source of revenue could be altogether discarded in the present state of the Church, and he thought that both rich and poor were glad to obtain a vested right in a particular sitting by a quarterly payment. But pew-rents ought not to be looked to permanently as the means of providing a suitable maintenance for a clergyman. He had said, that one great principle of endowment was, that the patronage of churches should be placed, under proper restrictions, in the hands of the persons who built and endowed those churches, in order to stimulate private liberality. This principle had already been adopted in several existing Acts. The 1st and 2nd *Will.* IV., the Private Patronage Act, had led to endowments to the amount of 90,000*l.* Under the 6th and 7th *Vict.*, the amount was 158,000*l.*—altogether upwards of 250,000*l.*, which had been acquired for the Church by private liberality, upon the principle that the donors should enjoy the patronage. He proposed to carry this principle further, and with that view to deprive the incumbents of mother churches of their patronage of district churches which might be endowed by private persons, and to transfer the patronage to the persons so endowing, except where the incumbents of the mother churches had been the principal means of erecting the churches. Again, as to livings under 200*l.* a year, he proposed that the patronage of them should be transferred to persons endowing them, provided that in cases of livings in the patronage of the Crown, the consent of the Crown should be required; in the case of livings in the patronage of bishops, that of the archbishop; and in the case of those in the patronage of deans and chapters or rectors that of the bishop should be required. He proposed, also, that powers should be given to divide parishes and distribute their tithes between the districts, leaving the patronage in the same hands as before, with the same consents as in the previous case. By means of the provisions of the Bill adequate endowments would be obtained for parishes which were either languishing for want of proper maintenance, or were in the objectionable position of being entirely dependent on pew-rents. These were the main features of the measure. He was obliged to the House for the patience with which they had listened to a statement of a somewhat complex nature. He was sure a measure of the kind he had brought forward was deserving their most attentive consideration, because, in providing for the extension of the parochial system, they were performing a duty incumbent on them, and in the performance of which they would reap the reward of seeing the Established Church ministering to the interests of religion, and completing that work which she was destined by her Lord and Master to accomplish.

Motion made and Question proposed, "That the Bill be now read a Second Time."

SIR GEORGE GREY said, it was impossible to deny the importance of the Bill, and the value of the main provisions embodied in it. The Bill to a certain extent was founded on the Report of a Commission on the subdivision of parishes; but the complexity of its details, and the several important subjects with which it dealt raised serious doubts whether at this late period of the Session, and in so thin a House, the noble Marquess ought to ask the consent of the House to its second reading. The noble Lord had stated that he should not proceed beyond the second reading, and had instanced the Education Bills as an argument for seeking to advance the Bill a stage. There seemed, however, to be a great disinclination to read the Education Bills a second time, because it would lead to no practical result. It was said that it would not advance those Bills, but it would fetter the discretion of Parliament. The same remark was certainly applicable to the present measure. If the principle of the Bill were to give further facilities for the subdivision of parishes, he was ready to accede to it. But the principle involved a great variety of subjects, as the noble Marquess proposed, not only to abolish the Church Building Commission and transfer their duties to the Ecclesiastical Commission, giving the latter very large and increased powers, but he proposed likewise to interfere with the endowment of parishes, with the law of mortmain, with the question of patronage, and with the question of pew-rents. Now all these subjects required, as the House was well aware, very grave consideration. He therefore did not see what advantage there would be in pledging the House to the principle of the Bill, when no further progress could be made with it. Even if it were earlier in the Session, he thought it impossible the Bill could be considered in a Committee of the whole House, and that referring, as it did, to a variety of Acts of Parliament, some of which were partially kept alive, and some of which were partially repealed, while others were wholly repealed or left wholly in force, it ought necessarily to be considered first by a Select Committee. He should be sorry to oppose any obstacle to the further progress of the measure, but he would ask the noble Lord to take that course, which it was pretty clearly indicated would be taken with regard to the Education Bills—namely, to lay the Bill before the country during the recess, and take it up again early next Session, when real progress might be made. Upon the main points to which the noble Marquess had adverted he quite agreed with him, but, if he understood correctly the fourth clause, the Commissioners might constitute parishes, without permanent endowments, which, under Sir Robert Peel's Act, could not be done. He understood the noble Marquess to say it was expedient that the clergymen of new parishes should have such incomes as would make them independent, and it was matter for consideration whether that was as effectually provided by the Bill as it was by Sir Robert Peel's Act, which required that before parishes were constituted permanent endowment should be made. With regard to the Ecclesiastical Commissioners, it was impossible to go on casting upon them duty upon duty without infusing new elements into their constitution so as to enable them satisfactorily to perform those duties. He thought the noble Lord should be satisfied with having laid the Bill before the House and the country, and given that exposition of its details which he had so ably presented, and should withdraw it at present, taking it up again at the commencement of next Session, when the Government would offer no objection to the second reading upon the condition that it be referred to a Select Committee.

Viscount EBRINGTON said, he attached great importance to an extension of the parochial principle and the substitution of *bonâ fide* parishes for the multifarious and anomalous divisions which had been eliminated from the old parishes. If the parochial system was good, why should it not be carried out? Nothing could be more anomalous than the present condition of district church incumbents, authorised to perform some services and not others—to receive some fees and not others. He attached great importance to the extension of the parochial system, and he thought the consolidation of the Church Building Acts was very desirable. He concurred with the right hon. Baronet the Home Secretary in thinking it might be requisite to strengthen the Ecclesiastical Commission. With regard to the clause relating to the Statute of Mortmain, there was a precedent in Sir Robert Peel's Act, which, it was stated, had produced beneficial results; and as to the formation of districts without endowments, though there were some words in the Bill open to that construction, he believed all that would be done would be to accumulate the pew-rents for a while, to form an endowment for the minister and render him for the future independent of such an undesirable source of revenue. He would, therefore, appeal to the right hon. Baronet to reconsider his decision, and, if the House agreed on the main principles of the Bill, to allow the Bill the sanction and weight throughout the country which the passing of the second reading would give it, with the understanding that it should proceed no further this Session, but be taken up early in the next, when it would have the advantage of those comments and observations which were sure to be elicited, and there would be some prospect of its being carried into effect.

Sir WILLIAM HEATHCOTE said, the advantage of laying the measure before the country had already been attained by the first reading and printing of the Bill, which was of a most important and complicated character, and one to which the House ought not hastily to give a second reading without duly understanding it. There could be no such thing as reading a Bill a second time *pro forma*, while the second reading would diffuse the impression that the House had adopted and approved of the Bill. To diffuse such an impression was plainly the object of the noble Lord (the Marquess of Blandford), and the House should hesitate before they allowed it. The second reading would fetter the House on a future occasion. The objects of the Bill were most important, but, as to the means proposed, he did not agree with the noble Lord. The subject was most extensive, and would require a very careful investigation. The noble Lord had better be satisfied with the assent of the Government to the second reading of the Bill next Session. It was too much to ask the House to read the Bill a second time now.

Sir WILLIAM CLAY said, he also must protest against the Bill receiving the sanction of a second reading. There were a dozen principles enunciated in the Bill. In the first place, with regard to church-rates, the noble Lord brought forward an entirely new principle, and created a new form of church-rates under circumstances peculiarly objectionable. The clause said that church-rates should be applicable to the new district. [The Marquess of

BLANDFORD: Only to those districts. It is a negative clause.] The noble Lord had provided another mode for maintaining the fabric of the Church, and he also provided that the church-rates should be applied to these new parishes. It was, therefore, not only giving a sanction to church-rates, but it was keeping them on when he himself, by the whole scope and nature of his Bill, acknowledged they might be done away with. Another provision gave power to the officers of any department under the Government, with the sanction of the Treasury, to make grants of land and convey to the Ecclesiastical Commissioners lands belonging to the Government. [The Marquess of BLANDFORD: For sites.] In other words, this was a new devotion of the national property to the purposes of the Established Church—a matter of very great importance. Then, again, he gave power to the Ecclesiastical Commissioners to avail themselves of the Lands Clauses Consolidation Act; it certainly was not for the purpose of compulsory purchase, but still it gave them a large power they did not before possess. If this matter were to be dealt with at all, it should be taken in hand by the Government, and all the Church Building Acts and Ecclesiastical Commissions Acts should be consolidated. He trusted the noble Lord would not press the second reading of the Bill.

MR. G. BUTT said, he would advise the noble Lord to accept the suggestion of the right hon. Baronet the Secretary of State for the Home Department, for it was quite impossible to legislate upon the subject without previous inquiry. He quite approved of the object of the Bill; but the object was one thing, and the sanctioning of the machinery proposed to carry it out was a different question. The statement of the noble Lord in moving the second reading evinced not only his sincerity, but the amount of reading he had bestowed on Acts of Parliament bearing on the subject; but he still thought that it would be better that the Bill should undergo the investigation of a Select Committee. He, therefore, hoped the Bill would be withdrawn now with the view of renewing it next Session, when there would be ample time for considering its details.

MR. APSLEY PELLATT said, he did not doubt the good intentions and worthy objects of the noble Marquess, but he must take exception to the mode in which the noble Marquess proposed to carry his object out. The powers to be conferred by the Bill were far too extensive to be entrusted to one set of Commissioners; in fact, with reference to the taking of land, it conferred larger powers than those embraced in the Lands Clauses Consolidation Acts. Dissenters and Roman Catholics experienced just as great difficulties in obtaining sites for their chapels as the Church of England, and if the powers of the Bill were due to the Church of England, the Dissenters were equally entitled to the same authority. He should prefer, however, still to rely upon voluntary exertions exercised under Sir Robert Peel's Act; a great deal had already been done in that way, and he, for one, could see no necessity for a new Church Building Act. He should therefore move as an Amendment, that the Bill be read a second time that day three months; but it should be distinctly understood that he did so from no disrespect to the noble Marquess.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. PALK said, he would gladly see the Bill proceed to a second reading, to show that Parliament was prepared on the earliest occasion thoroughly to go into this complicated question. He knew practically that it was most difficult to build a church under any circumstances, and the expense of obtaining a private Act of Parliament was almost as much as the cost of the edifice. Although he was not prepared to go into the details of the measure, he considered a material fault was that no fund was provided for building churches, there being no great difficulty, when the edifice was reared, in obtaining proper endowment. As far as he could see, there were no means provided by the Bill by which church edifices might be erected. He knew that there existed a great objection to the appropriation of pew-rents to the building of churches, but he did not partake of that objection. Pew-rents could not be obtained except in rich parishes, and he saw no reason why the aristocracy and the country gentry should not contribute to the building of the church of which they would receive the benefit.

MR. ROBERT PHILLIMORE said, he did not think it desirable that the House should commit itself to the principle of the Bill without further discussion.

At the same time he considered the Bill to contain some very valuable principles, to which he gave his hearty assent. Its main principle was the extension of the parochial clergy. It contained also the principle, that the powers of the Church Building Acts should either be consolidated or should be done away with altogether. The Bill likewise contained an excellent principle, which the hon. Member for the Tower Hamlets (Sir W. Clay) appeared to have misunderstood, with regard to church-rates. It was not proposed, as the hon. Baronet seemed to think, to extend the application of church-rates, but, on the contrary, that they should be curtailed. With respect to the power given to grant sites of ground on which churches were to be built, considerable misunderstanding appeared to prevail. It had been said that this power was unconstitutional. The fact was that a clause in the present Bill was a *verbatim* copy of the clause in the Church Building Act. A power already existed to grant these sites; all, therefore, which had been said upon that subject was a mere bugbear, and intended to scare the House from the measure. He certainly objected to the proposed endowments which were to arise from pew-rents, because he objected altogether to the system of pew-rents. The proposal to transfer the powers of the Church Building Commissioners to the Ecclesiastical Commissioners would require great consideration. He was by no means enamoured of the proceedings of the Ecclesiastical Commissioners, nor was he inclined, as at present advised, to give them further powers by transferring to them those which the Church Building Commissioners now possessed. He, however, thought it highly necessary that the various Commissions should undergo revision and consolidation. In conclusion, he joined his appeal to those which had been made to the noble Marquess, to be content with having drawn the attention of the House to this question, and with having had the Bill circulated, and to accede to the proposition of the right hon. Gentleman the Secretary for the Home Department, to allow the Bill to stand over till next Session, and then have it referred to a Select Committee.

Mr. COWPER said, he thought the hon. Member for Southwark (Mr. Pellatt) was not justified in supposing that there was anything in the Bill to which a conscientious Dissenter could have any objection. He conceived that it was equally the object of the Dissenters and members of the Church of England to promote the extension of Christianity and of morality; and certainly that could not be done by depriving the Church of England of the power which it was endeavoured to confer upon her by introducing a more efficient system than at present existed. He felt this measure to be one of such great importance, that the time of the House could hardly be better occupied than by fully entering into a discussion of the subject. It was impossible that the question could be left in its present position. Should, however, the Bill of the noble Marquess be adopted, there would arise this inconvenience, that there would be one law applicable to existing parishes, and another law applicable to those parishes which would be established under the Bill. Under all these circumstances, therefore, he thought the better course for the noble Marquess to pursue at present would be to rest satisfied with having drawn attention to the subject, and to introduce the Bill again in the next Session of Parliament.

Mr. VINCENT SCULLY said, he found fault with those parts of the Bill which embraced the provisions of the Lands Clauses Acts, but at the same time he would rather see the Bill withdrawn than that it should be met by a direct negative, which was the real meaning of the Amendment. If the principle contained in the compulsory clauses of the Bill were ultimately sanctioned by Parliament, it ought not to be confined only to the Church of England, but should extend to all classes of religionists. The hon. Member for South Devonshire (Mr. Palk) talked of the difficulty which was experienced in obtaining sites for churches under his denomination; but if the followers of the Established Church experienced that difficulty, what must the difficulty be that the Dissenters laboured under? He would place all upon the same footing, and if the Bill were eventually amended to that extent it should have his most cordial support.

The Marquess of BLANDFORD said, he begged to thank the House for their patient consideration of his measure, and, as he was anxious to conciliate their favour in its behalf, he would adopt the offer made by the right hon. Baronet the Home Secretary on the part of Her Majesty's Government; and upon their distinct assurance that a measure upon the subject might be introduced next Session, and then pass its second reading in order to be afterwards referred to a Select Committee, he would now consent to withdraw his Motion. There were, however, some misapprehensions which he wished to remove. One related to the power which was to be given to the Government to grant land for church building. The clause as it had been drawn, was perhaps more extensive in its scope than he had intended, and would have been altered in Committee. The intention was only to re-enact powers which already existed under Church Building Acts, one being the Act of the 58 *Geo.* III., chap. 45. It would be quite necessary, in such a district as Dartmoor, or the New Forest, that the Crown should have power to grant sites for churches. The other matter, that of the powers under the Lands Clauses Consolidation Act, was of great importance, no doubt, and would have to be dealt with by the Legislature, keeping in view, of course, those principles of equity which had been appealed to by some hon. Members.

MR. HADFIELD said, he must assent, that the subject was too large to be dealt with by an independent Member, considering at the same time that the Church Building Act would shortly expire, and the Government would be bound to take the question up. Of what use then was it for the noble Lord to trouble himself further in the matter, seeing that he could not mature his plans before the time would have arrived when Government would have no alternative but to take it out of his hands. His objection, *in limine*, to the Bill was, that it was proposed to place its working in the hands of the Ecclesiastical Commissioners, in whom he contended a large mass of the people had no confidence. He objected to the idea of a Select Committee, as the question was of too vast and vital importance to be dealt with by such a tribunal; the question of the Church Building Act was in such a very unsatisfactory state, that it could only be effectually disposed of by the whole House, and therefore when the proper time came for doing so, he should object to the Motion for referring the Bill to a Select Committee.

Amendment and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

MAYNOOTH COLLEGE—
ADJOURNED DEBATE (THIRD NIGHT).

Order read for resuming Adjourned Debate on Amendment proposed to Question [1st May]—

"That this House do resolve itself into a Committee, for the purpose of considering the Acts for the Endowment of the College of Maynooth, with a view to the withdrawal of any Endowment out of the Consolidated Fund, due regard being had to vested rights or interests."

And which Amendment was to leave out from the word "considering," to the end of the Question, in order to add the words "all grants or endowments for ecclesiastical purposes, whether charged on the Consolidated Fund or annually voted by Parliament, with a view to their withdrawal, due regard being had to vested rights or interests," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. MAGUIRE:* Sir, before I venture to deal with the important question now before you, I make this preliminary observation—namely, that the Catholic Members of this House are not answerable for the protracted discussion which has dragged its slow length along, to the obstruction of pressing public business; on the contrary, it is their wish that the House should be saved the annoyance of having brought before it topics of an angry or irritating nature; and no later than a day or two since, an hon. Member called on the hon. Member for North Warwickshire (Mr. Spooner) to withdraw his Motion from the paper—with which request he refused to comply. Thus the discussion was forced on the Catholic Members, who could not for a moment shrink from the responsibility which was thereby imposed upon them: and though my hon. Friends and myself are not unanxious to come to a division on the Motion of the hon. Gentleman, we feel it to be our duty to insist on the fullest discussion of the question which it involves—a question which itself involves not merely the interests of the Catholic people of Ireland, but the interests of the empire at large. Then, Sir, the importance of the grave question raised by the Motion of the hon. Member imposes on me the necessity of entering fully into the subject, for the purpose of showing that all the charges and accusations against Maynooth and the teaching and doctrines of the Catholic Church, are not only without any foundation whatever, but are the very opposite of the fact and the truth. In the first place, I think it right to state a few of those charges and accusations, in order to see what Catholics have to meet and refute. I shall commence with certain allegations contained in the latest petitions presented to this House in support of the Motion now before it, and printed and circulated amongst its Members. The first is the petition of the Provincial Synod of Lothian and Tweeddale; and it says that the endowment "is wrong in principle, and, while opposed to sound policy, stands in direct opposition to the revealed will of God, and is fitted, through the public support of Antichrist, to bring down on the land the Divine judgments." This is signed "William Cæsar, Moderator." A second is from the Synod of the "United Original Seceders," met at Glasgow on the 3rd of last month. It states that Popery "prevents its adherents from yielding true obedience in civil matters to a Protestant Sovereign, and therefore is utterly unworthy of the support of a Protestant nation;" and these "United Original Seceders," further state that they are convinced "that the training of an idolatrous and superstitious priesthood at the national expense is contrary to the coronation oath, hostile to the doctrines and principles of the Reformation, and must render the nation obnoxious to the righteous judgment of Almighty God, threatened in Holy Scripture not only against the anti-christian system in general, but also against all who aid and abet its interests." Another states that the endowment has proved an "utter failure;" another is opposed, and fairly opposed, to all endowments by the State, and therefore to the endowment of Maynooth; and another, while opposed to all endowments, is especially opposed to Maynooth, "inasmuch as the Roman Catholic religion with which that college is connected, is hostile to religious liberty, and intolerant of the opinions and practices of all persons who differ from it." This complaint of Catholic intolerance is rather amusing when coming from those "moderators." I must not forget to mention that in more than one the real object peeps out — to restore the penal laws against Catholics, and, if possible, drive Catholic Members from this House. One of the petitions quoted states that petitioners "opposed, and do still oppose the Relief Bill of 1829, by which Roman Catholics were admitted, to places of power and trust in this Protestant kingdom." Then there was the hon. Member for North Warwickshire, who laid down the astounding proposition, that the endowment of Maynooth was a grievous "national sin," and that its continuance was a braving of the judgment of God. And then came the hon. and learned Member for Hertford (Mr. T. Chambers), who indulged in a long string of accusations, and, amongst them, this very grave one—that "the teaching of Maynooth touched our social existence, by tampering with contracts, oaths, and with allegiance." Now, Sir, my answer to all these allegations is this —prove that these charges are true, prove that Maynooth is the seat and centre of evil, that from it flows a perennial stream of sedition and corruption—prove all this, and I, as one Roman Catholic, declare that I will go much further than the hon. Member for North Warwickshire, and assert that not only should the State not support such an institution, but that it should scatter its professors, and raze the walls of the College to its foundations. Prove, I say, that the accusation of the hon. and learned Member for Hertford is founded in fact and truth, and I at once repeat the cry of "Down with Maynooth!" The House will soon have an opportunity of judging whether these charges are not the vilest and the foulest calumnies, uttered by some perhaps with sincerity, but by many with a perfect conviction of their falsehood. Before I proceed to vindicate Catholic teaching from those terrible accusations, let me refer for a moment to a pamphlet sent to me this morning, perhaps by its author, the Rev. Dr. Tighe Gregory, chaplain to his Excellency the Earl of Carlisle, and rector and vicar of Kilmore. I do so for the purpose of reading one extract quoted by Dr. Gregory from the speech of a clerical fanatic in 1845, when Sir Robert Peel brought in his memorable Bill for placing the College of Maynooth on its present footing, and of showing how the same spirit of unchristian intolerance, the same insane hatred of Catholics, prevailed then as now. Dr. Gregory introduces the extract with these significant lines—

> "The other speaker, after expatiating on the 'love which is the fulfilling of the law,' thus illustrates his Christian conception of it:—'Some-

> times we have a Tory Government: they give away situations to parties of opposite persuasions and politics. I have none of that sort of principle. I will never give a situation to a Roman Catholic as long as I live; it is contrary to principle—we want to destroy Romanism as best we can. The gentleman who preceded me said, that Romanism is the religion of nature; he will not be annoyed with me for saying that it is not true; it is the masterpiece of Satan, invented in Hell; it is the grand craft of the Devil, and by virtue of it the archfiend keeps Roman Catholics in his power, and under the dominion of his chains."

May Heaven help us poor Catholics! for we must be in a sad plight. This, of course, is Christian toleration and Gospel charity, in which Catholics are so horridly deficient. There are hon. Members in the House who oppose the endowment of Maynooth on fair grounds, because such endowment is opposed to the voluntary principle, of which they are the sincere and conscientious advocates: and no one more readily admits their candour, fairness, and honesty, than I do; but I venture to say I will put a case before my hon. Friend the Member for Sheffield (Mr. Hadfield), as must satisfy him that, under existing circumstances, it is utterly impossible that the Catholic people of Ireland could add the support of this college to their other burdens. The hon. Member for North Warwickshire, and those who agree with him, assert that the endowment of this college is a national sin, sufficient to call down on the land the judgment of God. Well, by whom was this college founded? It was founded in 1795, by a Protestant Parliament, and in the reign of an ultra Protestant king. The Bill was passed in the Irish Parliament, an exclusively Protestant Parliament, without a division, or even a dissentient voice, and with the concurrence of the Protestant bishops then sitting in that Parliament. The Marquess of Camden laid the foundation stone of the building; and, when addressing the Parliament at the close of the Session, he said —"a wise foundation has been laid for educating at home the Roman Catholic clergy." Now I venture to say that that Protestant Parliament and that Protestant king had as just a sense of their duty to man and God, as the hon. Member and those who indulge in expressions bordering on the blasphemous, and were quite as competent to know what was a national sin, as that hon. Gentleman and other tolerant and Christian revilers of their Catholic fellow-subjects. From that day to this, no great party—no statesman—no man pretending to the name and character of a statesman—no one whose ability and whose wisdom placed him as a man of mark, full in the public eye—no one who commanded the reverence or the confidence of the country—had ever advised or counselled the withdrawal of that grant; on the contrary, the best and wisest statesmen defended it on the highest grounds of State policy and equal justice. What was the spirit in which the subject was approached by Sir Robert Peel in 1845, when he proposed the increased grant? That lamented and gifted statesman, at once the wisest, the ablest, and the boldest of his contemporaries, thus spoke for his Cabinet—

> "After mature deliberation, we are firmly convinced that this measure which I now propose, is nothing more than a liberal construction of those obligations, which, in point of honour and faith, are imposed on the legislature of this kingdom."

From what some persons say, as to the alleged ingratitude of the Catholic clergy, we should be led to suppose that there had been a solemn compact entered into between the Government and them, that, in consideration of this increased grant, they were from thenceforward to be dumb. Hear what Sir Robert Peel then said —

> "This measure is, I trust, conceived in a liberal and confiding spirit. We have not introduced it without consulting with the leading ecclesiastical authorities in the Roman Catholic Church. It has not been a subject of stipulation or contract with them."

Sir Robert Peel regarded his measure as one of sound policy, conceived in a liberal spirit; but there were those who, though not Catholics, regarded it in the light of a restitution of property to the Catholic Church. There are many rash enough to deny that the revenues once possessed by the Catholic Church of Ireland were torn from her, and applied to Protestant purposes. But let Lord Sandon (the present Lord Harrowby) be heard on this point, concerning which, in the very teeth of the broadest and clearest historical fact, there is such deliberate disbelief:—

> "When England reformed herself, purified her own faith, and separated from the Church of Rome, she carried with her, as she had a right to do, the endowments of the national religion; for the people—the great majority of them—stood in these convictions, and the church property rightfully went along with them. But was that the case with Ireland? Did the people of that country share in the general movement towards a Reformation; and was the church property transferred by reason of it? Was not the contrary notoriously the case? Was not the church property

> transferred from Roman Catholic to Protestant hands, merely by the will of England, merely because England, not because Ireland, had become Protestant? He could not forget those circumstances; the appropriation of all the church endowments of Ireland, while you left the people still Roman Catholics, and made no provision for the priests to whom you left them—and looking at these things, he could not, for his part, look at this question as one of simple and common endowment—he could not not but look at it in the light of a restitution."

And the noble Lord the Member for London (Lord J. Russell) who spoke in the course of the debate, was compelled to admit that "a grant of this kind may well be termed, as the noble Lord (Lord Sandon) described it, rather in the nature of a restitution than an original grant." Not only was the property of the church torn from her, but the very colleges which Catholics created in foreign countries for the education which was penal at home, were destroyed, and the claims of the Catholics for indemnity denied by the British Government at the time of the peace, when that Government insisted on obtaining indemnity for all other property of British subjects. Therefore, I assert that Roman Catholics have not only a right to this grant, but to a greal deal more. The right of Roman Catholics to this, or to any assistance whatever from the State, is not denied by the Statesman, or by any one pretending to that character; no, it was only that miserable class of persons who derived a dishonourable existence and a shameful notoriety, by fostering a base agitation, and by pandering to the darkest prejudices of the human mind, to the worst passions of the human heart—it was only those misguided members who were themselves deceived, as well as those who were impelled into the lobby by the brutal clamour of an ignorant constituency—that demanded the destruction of Maynooth. Various modes of attack have been adopted from time to time against Maynooth, sometimes bold and open, at other times cowardly and indirect. But one of the latest was the demand for inquiry into the teaching of that college. "Give us inquiry, and we are satisfied to abide the result," was said by the assailants of this institution. Well, they have had inquiry, and having got what they required, as a matter of course, and as was expected, they are not satisfied. The inquiry was a sham; the report is an absurdity; the evidence was got up; the whole thing is frivolous, ridiculous, and dishonest—why?—because a copy of the evidence was sent to the Pope three or four months after it was printed, and when it was impossible to be tampered with or altered. I tell you, Sir, why this report, this evidence, is not to be relied upon, not to be trusted—because it disproves every one of the foul and infamous charges brought against this Catholic institution. If, indeed, the evidence and the report justified those charges—if Maynooth were proved to be the hotbed of sedition, immorality, treachery, and pollution—then what a cry of joy would be raised! what laudations of the witnesses and the commissioners! how solemnly every word contained in those two Blue-books would be appealed to! and how any Catholic Member of the House would be cried down who dared to hint a doubt, or lay a profane finger on these documents, sacred then as the Ark of the Covenant! But because the result of the inquiry is favourable, and not damnatory, therefore the whole inquiry is unworthy of credit. In this spirit it is viewed by the "Protestants of Kingston upon Hull, of various denominations," who say, "they cannot regard the Report, so far as it is favourable to Maynooth, as worthy of being accepted by your honourable House." These candid people are willing to believe all that is unfavourable, and to discredit all that tells against their absurd and fanatical prejudices—and so is it with too many hon. Members in this House. Now so far from the inquiry being a sham or a mockery, it was one of the most searching and rigorous that could be instituted or conceived; nay, it was pushed to an extent that went beyond all reasonable limits, inasmuch as witnesses were called upon to reply to the most improbable supposititious cases. There were forty witnesses examined, five of whom were active Members of societies most hostile to the Catholic Church; there was also, besides oral evidence obtained by the most searching examination, written evidence in answer to written propositions; and it was upon the entire of this evidence that the Commissioners, men of the highest mark, position, character, and ability, based their Report—the Report sneered at and discredited, because it did not justify the ravings of the constant revilers of the Catholic faith and a Catholic people. One of the gravest charges against the teaching of Maynooth, indeed the teaching of the Catholic Church was that it did not inculcate the duty of allegiance to the Sovereign, and of obedience to the civil powers. Now, if I have any charge to make against that teaching, it is this—that it has rather a tendency to make the subject a slave to the civil power than the contrary, and that it inculcates an obedience too implicit, and almost blind. I have here by me one of the voluminous Blue-books containing the Report of the Commissioners, and a portion of the evidence on which that Report is based, and I shall presently quote a few passages from that Blue-book; but I hold in my hand another Blue-book, a very small one indeed, yet sufficient not only to exhibit what Catholic teaching is on this most important point, but to disprove the assertions which have been ignorantly or falsely made, and wickedly and maliciously circulated, against Roman Catholics. This little Blue-book is *Butler's Catechism*, compiled by a Catholic Bishop, approved by the four Catholic Archbishops of Ireland, and sold to the enormous number of 100,000 copies annually. This Catechism was taught to every Roman Catholic priest in his youth whether he were born in a lowly station, or were the child of affluent parents; it was again taught and explained to him in Maynooth; and when he left Maynooth for the scene of his missionary labours, it was taught by him in every school and chapel, in busy town or remote rural parish, to every child who attended school or chapel—it is, in fact, the same Catechism which every Catholic Member of this House has learned at his mother's knees. Turning over the pages of this catechism I find in it evidence as to Catholic teaching that forms the most triumphant vindication against the foul aspersions so recklessly and persistently flung at Roman Catholics. Perhaps I may be permitted to make the open confession of the fact, that it is a very long time since I looked into this little volume, though like all Catholic children, I was thoroughly grounded in it at a very early age—and I may mention that my attention was called to it by an answer given by one of the witnesses, one of the Professors of the College of Maynooth. I do pray the attention of Protestant gentlemen to the following questions and answers, as I feel convinced that many good and kindly men have been basely imposed upon by those who live by slander and misrepresentation:—

> Q. What are the duties of subjects to the temporal powers?—A. To be subject to them, and to honour and obey them, not only for wrath, but also for conscience sake; for so is the will of God. 1 Pet.; Rom. xiii.
>
> Q. Does the Scripture require any other duty of subjects?—A. Yes; to pray for Kings, and for all who are in high station, that we may lead a quiet and peaceable life. 1 Tim. ii.
>
> Q. Is it sinful to resist or combine against the established authorities, or to speak with contempt or disrespect of those who rule over us?—A. Yes: St. Paul says, Let every soul be subject to the higher powers; he that resisteth the power resisteth the ordinance of God; and they that resist, purchase to themselves damnation. Rom. xiii.

Let it be observed that chapter and verse are here given to the Catholic child by the Catholic teacher—by his Church—and from what?—from the sacred Scriptures, which, as we are told, that Church dreads and abhors, and which it seeks to hide from the eyes of its followers. Well, I ask, is that the doctrine which Paley lays down, which Blackstone insists upon, which was acted upon in the Revolution of 1688, or which would find favour with the admirers and eulogists of that revolution? Dr. Furlong says, in reference to the duty of allegiance which we owe the Sovereign—

> "We take it, in fact, as a first principle of morality—it is an axiom with us in the same way as the duty we owe to our parents; and therefore we do not repeat the inculcation of it so frequently, because that would almost imply a doubt of its manifest obligation."

And Dr. Lee says, that before the students take the oath of allegiance, which they are all bound to do, they are lectured as to its nature and obligation. Oh! but it is said, "Has not the Pope the power of absolving you from your allegiance, of dispensing with the obligation of your oath; and, therefore, of what avail is this teaching?" Let us inquire into this alleged power of the Pope. Now, I may say for myself, and I would freely say the same for the Catholic Gentlemen who hear me, that I hold—that they hold—that neither the Pope, the College of Cardinals, nor the whole Church sitting in solemn council, has the power of freeing us from the duty of allegiance, or dispensing with the obligations of a lawful oath. Moreover, the very assumption is an absurdity, and an insult to the Holy See. Take the evidence of Dr. Moriarty, now Coadjutor Bishop of Kerry, on this most important point. He says, in answer to questions put to him—

> "That a Catholic would deem the case impossible, for he could not suppose the Pope capable of such an absurdity. If you suppose the decree given in the present circumstances of the country, it would be of no force, as being manifestly founded in error; but I again protest against

the supposition as disrespectful to the Holy See.

* * * * *

I must again answer by protesting against the supposition. Such are not the circumstances which to a Catholic mind would justify rebellion. If the case occurred, I would simply conclude that the Pope had gone mad."

Then comes this comprehensive question, and conclusive answer—

> "Are there no circumstances under which the Pope could release a citizen from his oath of allegiance?—Dr. Moriarty: Most emphatically I say none."

Let me here ask, is this distinguished Prelate to be believed, or not?—does he speak truly, or bear false witness? Is it possible that he could venture to degrade himself, not only in the eyes of his own people, but of the Catholic world, by stating other than what is the doctrine, the teaching, the belief of his Church? And yet this evidence is not to be relied on, because it vindicates Maynooth from the foul calumny of its unscrupulous assailants. The evidence of the Rev. Mr. Jennings is equally emphatic; and being pressed with suppositions equally fanciful and absurd on this subject, he says he would regard such a sentence coming from the Pope as utterly null and void, and continues, "but I also believe that the supposition of his Holiness issuing such a sentence is a most fanciful and extreme case of casuistry." It may be said these are Catholic witnesses; but Protestant witnesses say the same thing. Dr. Butler, who was a Catholic priest, but is now a Protestant clergyman, and who was educated in the Roman College of St. Thomas of Aquin—indeed in more than one Catholic seminary—being asked, were the duties of allegiance generally, without reference to any particular Sovereigns, enforced in the lecture? replies—

> "They were always enforced upon me without any distinction, whether the Sovereign was a Protestant or a Roman Catholic. I never had any distinction made me by my professor."
>
> "Did you ever understand that, by reason of a Sovereign being a heretic, he was not entitled to the allegiance of his subjects?—I heard that, but I did not believe it. It is not the doctrine of the Roman Catholic Church. That was not the doctrine taught, nor is it the doctrine of the Roman Catholic Church."

* * * * *

I venture to say I have conclusively refuted one of the gravest charges made against Catholic doctrine and teaching; but there is one which I regard as still more grave and more important, which it is my duty, as a Roman Catholic, to deal with—namely, that Catholics were not bound to keep faith with heretics, and therefore were not bound by their contracts with heretics. This is a weighty accusation indeed; for while a laxity of opinion with respect to the duties of allegiance may be regarded with a certain amount of indulgence by some, there was no man who would not be justified in looking with dread and abhorrence upon those members of the same community whom no oath could bind, by whom no contract was held sacred, and yet with whom a social necessity compelled Protestants to have daily intercourse and dealings. Again I say, prove this against Maynooth, against Catholics, and you ought to raze the walls of the one, and tear from the others whatever liberties they enjoy. I again take up *Butler's Catechism*, that which the future trader, the future merchant, the future professional man, learns in his boyhood—

> Q. Is it ever lawful to swear?—A. It is; when God's honour, our own, or our neighbour's good, or necessary defence, require it.
>
> Q. What do you mean by an unjust oath?—A. An oath injurious to God, to ourselves, or to our neighbours.
>
> Q. Is a person obliged to keep an unjust oath?—A. No; he sinned in taking it, and would sin also in keeping it.
>
> Q. Is a person obliged to keep a lawful oath?—A. Yes; and it would be perjury to break it.
>
> Q. What is perjury?—A. To break a lawful oath, or take a false one.
>
> Q. Is perjury a great sin?—A. It is a most grievous sin.

With respect to oaths and contracts between Roman Catholics and others, Dr. O'Hanlon says—

> "The doctrine taught by me is, that an oath pledged to, or a contract made with, a heretic by a Roman Catholic, is of equal validity and of equal obligation with an oath pledged to, or a contract made with, a Roman Catholic in the same matter."

Dr. Murray says—

> "The doctrine always held and taught by me is, that an oath pledged to, or a contract made with, a heretic or any other person, whether baptised or unbaptised, is of equal validity and equal obligation, with an oath pledged to, or a contract made with, a Roman Catholic in the same matter. Moreover, I hold this not as a private opinion, not as a doctrine that appears to me more probable, but which others are free to reject. I hold it as absolutely certain, the opposite of which no theologian is at liberty to maintain."

Rev. George Crolly says—

> "I teach that each of them is of equal validity, and of equal obligation, with an oath pledged to,

or a contract made with, a Roman Catholic in the same matter, and under similar circumstances. The obligation of a contract made with, or of an oath pledged to any person, is no more changed or modified by his religious belief, than by the colour of his skin, or the stature of his body."

And Dr. Moriarty, the bishop of Kerry, says—

> "The Pope has no power to change the dictates of natural justice. He cannot release any one from the obligation of a valid contract with injury to a third party. The civil authority may, for reasons of public policy, rescind, even with prejudice to a third party, a valid contract—but the Pope cannot."

And now as to the intolerance of Roman Catholics. It may be again necessary to turn to the Catechism taught to the Catholic child of every grade, class, and condition. Will Protestant gentlemen take the following authoritative exposition of Catholic doctrine, in preference to those gross and calumnious misrepresentations put forth by their bigoted or venal assailant? I cannot omit a single line of this small chapter—

> "Q. To how many commandments may the ten commandments be reduced?—A. To these two principal commandments, which are the two great precepts of charity: Thou shalt love the Lord thy God with thy whole heart, and with thy whole soul, and with all thy strength, and with all thy mind, and thy neighbour as thyself: This do, and thou shalt live. Luke x.; Mark xii.
>
> "Q. And who is my neighbour? Luke x. 29.—A. Mankind of every description, and without any exception of persons, even those who injure us, or differ from us in religion.
>
> "Q. How am I to love my neighbour as myself?—A. As you would, says Christ, that men should do to you, do you also to them in like manner. Luke vi. 31.
>
> "Q. What particular duties are required of me by that rule?—A. Never to injure your neighbour by word or deed, in his person, property, or character; to wish well to him, and to pray for him, and always to assist him, as far as you are able, in his spiritual and corporal necessities.
>
> "Q. Am I also obliged to love my enemies?—A. Most certainly; Love your enemies, says Christ, do good to them that hate you, bless them that curse you, and pray for them that persecute and calumniate you. Luke vi.; Matt. vi."

I ask, where is there a more broad, comprehensive creed of love and charity than this? This is the doctrine inculcated by the Divine author of Christianity, the Redeemer of mankind—it is the creed preached in His gospel—that gospel which the Catholic Church is falsely accused of not opening to her faithful. A word now as to the alleged prohibition of the Bible by the Catholic priesthood. It was stated, indeed, by one of the Protestant witnesses—I believe the rev. Mr. Burke—that there were only four copies of the Bible in Maynooth; but the rev. Mr. Brasbie, another seceder from the Catholic Church, but who had been educated at Maynooth, gives this evidence—

> Rev. D. L. Brasbie.—Had you a Testament or a Bible given to you when you entered the College?
>
> Rev. Mr. Brasbie.—Yes; every student on the establishment was furnished with one, and a commentary from the College. Every student in the establishment got a copy of Coyne's Bible, and of Menochius.

The hon. Member also read a letter from Mr. Duffy, from which it appeared that he printed a Bible, of which the sale was 2,500 copies annually; a New Testament, of which he had sold 13,000 copies; and a pocket edition, of which he had sold 9,500 copies; and that three editions of the Bible were published in Belfast:—the letter also stated that the Catholic clergy were most anxious to encourage the circulation of the Bible; and that the reason why the Roman Catholic Bibles were not sold as cheaply as the Protestant, was that the former had to pay the paper duty which was remitted to the latter. Mr. Duffy also stated that six editions of *Butler's General Catechism* were printed in Dublin, of which 100,000 copies were sold annually. The hon. Gentleman the Member for North Warwickshire has admitted, what indeed it was out of his power to deny, that the Irish Catholic soldiers were brave and loyal; but he said it was in spite of their priests and their teachers—and he asserted that they would be only too happy to be freed from their tyranny. I assert, on the contrary, and can prove it too, that the Catholic soldier is loyal and obedient because of the teaching of his priest, and that, instead of being anxious to free himself from his tyrannous authority, he is bound to him by the strongest ties of love and reverence. I hold in my hand a copy of an address presented to the rev. Thomas Grimley, a Maynooth-reared priest, by a deputation of the colour sergeants of Dublin garrison, on the part of the Catholic non-commissioned officers and soldiers, together with a very splendid testimonial of their liberality and piety, and the reply of the rev. Gentleman; and I shall call the attention of the hon. Member for North Warwickshire to a single paragraph from the address and reply, just to show him, practically, what Catholic teaching to the Catholic soldier is, and what the Catholic soldier understands it to be. In the address, there is this passage—

> "Reverend and dear Sir,—We beg to assure you that we shall ever bear in mind with the liveliest gratitude those instructions which, Sunday after Sunday, you have so earnestly inculcated on our hearts, the love of God above all things—the love of our neighbour as ourselves; good will and kindly feeling towards our fellow man of whatever country, or clime, or creed he may be—fidelity to the obligations which bind us to our Sovereign—obedience to our superiors, and an undying attachment to the One, Holy, Catholic, and Apostolic Church."

This is a sample of that pernicious teaching, the toleration, not to say the encouragement, of which is drawing down on this devoted land the heavy judgments of Almighty God. There is one point upon which I can only touch very lightly, and that is in reference to the teaching necessary for a Catholic priest for the confessional; although the opponents of Maynooth have not hesitated, for the basest object—to excite prejudice and inflame the minds of Members of this House—to put into circulation a vile and disgraceful document, which was sufficient to brand its concoctors with infamy. I turn to the evidence of Dr. Butler, once a Catholic priest, and now an assailant of the Catholic Church, and I find this answer to this question—in itself a practical refutation of a hundred calumnies—

> "Do you think, from your knowledge of the Irish people, that many things which it may be necessary to teach with reference to ministerial duties in other countries, are not necessary to be taught in Ireland?"—"I think so, certainly; I am decidedly of that opinion. I think that the people of Ireland are as moral a people as may be found in any part of the world."

Yes, but an hon. Gentleman behind me, the Member for Liverpool (Mr. Horsfall), whose sincerity I respect, and who, whatever the strength of his prejudice, deals with this question with the manner of a gentleman—he points to Catholic Ireland, and attributes the amount of serious crime to the teaching of Maynooth, or the prevalence of the Catholic religion. I deny the existence of heavier crime, or a greater amount of crime, in Ireland, as compared with England or Scotland. I believe that the moral condition of the peasantry of Ireland is not inferior, but the contrary, to that of the peasantry of any other portion of the United Kingdom. But no! I shall not say superior, for, while vindicating my own country and my own faith, God forbid that I should asperse the people or the religion of England or of Scotland. When gentlemen speak of crime in Ireland, they should consider the nature of that crime, and the causes that led to its commission; they should regard the social condition of Ireland, the misery that oppressed its people, the terrible privations they suffered and endured, the fearful calamities they underwent; and when they did this, let them then say if the same causes were in operation in any other part of the United Kingdom, whether a far greater amount of crime would not be exhibited, and a far lower state of morality be found to exist, than was exhibited or did exist in Ireland under the pressure of her terrible sufferings? I call on hon. Gentlemen, then, when dealing with Ireland, rather to attribute whatever crime has been proved to exist to its manifest and patent cause, the social condition of that country, than to search for it, where it is not to be found, as I have proved, in the tenets of a Christian church, or the teaching of its ministers. The hon. Member for Hertford, amongst his other charges against Maynooth, asserts that it has failed in producing a "domestic priesthood." I am not quite clear as to his meaning. If he mean to say that the Catholic priesthood are not obedient to the laws of the country, and solicitous for the moral and intellectual progress of the people, I think that is easily disproved, if I have not already disproved it; and if he mean that the priests educated in Maynooth do not remain in the country, but go on foreign missions, he is utterly wrong, as I shall show. I turn to the *Catholic Directory* for 1853, and the evidence of Dr. Renehan, the President of the College of Maynooth; and what do I find?—that while but two archbishops and four bishops of the Irish hierarchy were not educated in Maynooth, there were two archbishops and twenty-one bishops educated in that college; and that 1,222, or more than half of the parochial clergy, received their education within its walls. I find that it furnishes for the Irish mission about sixty priests annually, and that the proportion of priests thus furnished by Maynooth is becoming every year larger than the number supplied by all the other colleges at home and abroad. Then as to their going abroad, to the United States and to the Colonies, or to missions out of Ireland, what is the real fact?—not more than one, in three or four years, of those who had completed their education in Maynooth leave Ireland to perform clerical functions in any other country; nor annually more than two or three of those who have received there any portion of their education; and that out of all the priests officiating in England, Wales, Scotland, and the Isle of Man, there are but twenty-four who have been educated in Maynooth. Before I come to another assertion of the hon. and learned Gentleman the Member for Hertford—namely, that the experiment for an increased grant has been fully tried, and has failed—I must say a word about the class-books, which, it is said, demonstrate beyond doubt the character of the teaching, and the nature of the doctrines taught. I could quote several passages from the oral and written testimony of the witnesses on this point, but I shall content myself with two extracts, one from the evidence of Dr. Crolly, and the other from the evidence of Dr. Russell, which, to my mind, place this matter beyond dispute. Dr. Crolly says—

> "I do not form my opinions from the class-books, because I consider that when I lecture upon a subject, it is my duty to ascertain, not what a man teaches, but what is true and what is false. I lecture according to what I believe, without reference to the peculiar opinions of the class-book in question."

Dr. Russell says—

> "The public do not understand the degree of freedom which, in the schools of Catholic theology, we enjoy in relation to the works which we employ as our text-books. We do not consider ourselves bound to hold—except in those matters which are of faith, or closely connected therewith—the doctrine laid down in a text-book. On the contrary, in many cases, I have known the professor's lecture to consist in disproving the doctrine which is laid down in the text-book."

It was said that the experiment of an increased grant had been fully tried, and had failed. I assert it has not been fully tried, and has had no fair opportunity of being fully tried, but that in so far as it has been tried it has been successful; and this I undertake to prove. In order to have the experiment fully tested, the plan contemplated in 1845 by Sir Robert Peel should be fully carried out, which it is far from having been, not owing to the fault of the college, but of the hon. Member for North Warwickshire and his friends, who prevailed on this House, against the judgment of every dispassionate man, to withdraw from it those resources necessary to complete the original design. It was said that the priest was worse educated in Maynooth now than before the increased grant. That is entirely untrue; but this much is true, and its cause is a complete answer to those who oppose the endowment on the voluntary principle—that until a very short time since the standard of entrance examination had been lowered, or not insisted upon; and this in consequence of the want of a proper system of preparatory training, which is owing to the imperfect state, rather the general want, of diocesan seminaries, the result of the impoverished condition of the country. The advocates of the voluntary principle ask us Roman Catholics to abandon the annual grant to Maynooth, and the hon. Gentleman the Member for North Warwickshire would tear it from the college; but supposing us willing to abandon the grant, we are not in a position to do so; for not only is the country not in a position to maintain this institution, but it is, and will be for some time, unequal to the support of those diocesan seminaries which are essential to the proper training of those who intend to enter it. Then Lord Ffrench, a high authority on all matters connected with Maynooth, suggests as a means of improving the system of preparatory training, that four provincial seminaries, or one national seminary, should be established, supported, says his Lordship, as Maynooth is, by a Parliamentary grant. The Most Rev. Dr. Dixon considers the question of how the condition of those schools is to be improved, a very difficult one, and hopes that, with the return of prosperity to the country, this matter may not be overlooked. Then Dr. M'Nally states that he has lately established a seminary in Monaghan, but that, from want of funds, the diocese is, as yet, deprived of the advantage of it. And I am personally aware of the fact, that Dr. Murphy, the Catholic Bishop of Cloyne, has, with his accustomed zeal in the cause of education, declared his intention of at once commencing such a seminary in his diocese; but he has first to procure funds to erect the buildings, and then to raise a much larger sum for its endowment. So that, from these simple facts, hon. Gentlemen will see how utterly impossible it is that Ireland, Catholic Ireland, can take upon herself the support of an institution such as Maynooth, whatever may be her admiration of the voluntary principle. Let me remind the House of the fact, which seems to be forgotten by many, that Ireland has been passing through a great social revolution, which has brought 15,000,000*l*., worth of property not alone to the hammer of the Court in Henrietta Street, but into the hands of a new race of proprietors; let me remind Protestant Gentlemen from Ireland that many an illustrious name has passed away for ever from the list of the Irish aristocracy—that many a lordly hall has been deserted—nay, that many a noble mansion, once the ancestral home of a princely race, has been converted into an auxiliary workhouse—and that, worse than all, more than two millions of a people to whom God had given that land as their inheritance, have been swept from its bosom, by famine, and plague, and exile. And is that a country, I ask, that is to be treated in the same way, and dealt with in the same spirit, as a great country like England, unrivalled in its commerce, unsurpassed in its manufacturing industry, triumphant in its wealth, its progress, and in its power? Is it a country in which the voluntary system can be carried out to that full and complete extent which will alone satisfy the hon. Member for Sheffield, and the conscientious advocates of that principle? Now, in order to show the House that, instead of withdrawing the grant, it ought to give an additional grant for the purpose of carrying into execution the design of Sir Robert Peel, and the plan of the Board of Works, I think it absolutely necessary to quote two passages from the evidence of the President and the Vice President, as to the real state of the buildings when the evidence was given. Dr. Renehan says—

> "The old infirmary, chapel and examination hall, too small for their purposes before 1845, are utterly unable to accommodate the now largely augmented numbers; and the Commissioners of Public Works felt necessitated, by the insufficiency of funds at their disposal, to cancel the provision for a new chapel, *aula maxima*, and infirmary designed in the architect's plan for the new buildings. The infirmary, built for a boys' school in 1798, has seven rooms, averaging fourteen feet long by sixteen and a half feet wide, and eight and a half feet high; the whole space from which infirmary accommodation, particularly a sitting and dining room for convalescents, and sleeping rooms for bedridden and other patients, even in cases of fever or epidemic diseases, have to be provided. The old house is not only too small, and badly furnished, and uncomfortable; it is also now sinking fast into decay, ill-situated, exceedingly gloomy, dark, damp, and unwholesome. The chapel is so inadequate for its purposes, that, though at present about 170 students are withdrawn from it to attend mass and prayers in another hall less than fifteen feet high, it is not sufficiently large for the remaining number of the students. The apartments for the junior students are not sufficiently numerous to afford in every case a separate room for each. The new library is not furnished to any extent, not even with a shelf, a seat, or any other requisite whatever; and of course remains for the present useless."

The description given by Dr. Whitehead is still more gloomy—

> "Some parts of the new buildings are so damp that they cannot be safely inhabited. Amongst these are the otherwise fine apartments of the Vice-President, through which the rain water has been flowing for the last two winters, so as to drip through the flooring on the hall beneath. The wood-work is in some places beginning to exhibit symptoms of decay; the plaster has repeatedly fallen from the walls, and is at present bulged and cracked to such a degree, that it must again become detached. In many of the students' rooms, the windows admit the air and wet almost as freely as the light; the doors are thin, flimsy, and badly put together; there are no window shutters, no fires, no means of drying up the damp when it enters; the moisture therefore settles on the students' beds and clothes to a grievous extent. I have seen articles of dress which were out of use only a few days, coloured with blue mould, and with a moist whitish fur. Unless something be done to staunch and dry these new buildings, there must be a fearful increase of cases of consumption, and of premature death in our community. Whilst I am writing these lines, there lies in the infirmary of the senior department of the College a student ill beyond the hope of recovery, whose malady originated in his being lodged, during the last academical year, in a damp room in the western wing of the new buildings. His case, I consider, a solemn warning that the dirge will be often heard in our new cloister."

In a few days after those words were written, that student was numbered with the dead. Who, after such statements as these, will venture to say that the experiment has been fully and fairly tried? Still, so far as it has had an opportunity of being tried, it has been successful. The students are no longer obliged, as they were, to make their beds, to sweep out their rooms, and to clean their shoes—menial offices which, however much they conduce to a spirit of mortification and humility, have yet a certain debasing effect on the mind and feelings. These offices are now performed by servants, and the effect of the change is distinctly perceptible in the manner, tone, and bearing of the students. The Commissioners say—

> "This change has had an important share in producing the improvement which is generally stated to have taken place in their condition, dress, and bearing. The increase of funds, also, at their private disposal, arising as well from the additional number of free places, as from the annual stipend of 20*l.* to the senior students, has, without doubt, contributed to this result, especially by enabling them to form small, but useful, collections of books.

The Commissioners thus sensibly refer to the still imperfect nature of the trial which has been afforded to the operation of the new system—

> "In attempting, however, to estimate the results of the increased grant, two things are to be borne in mind—first, that a period scarcely exceeding the term of the college course has elapsed since the date of the grant, and that, consequently, so far as regards its effect on the Roman Catholic clergy of Ireland, and through them on the population of the country, sufficient time has not elapsed to furnish materials for a correct judgment; and, again, that Ireland has passed through a period of extreme distress since the augmentation of the grant, and that its effects should be estimated by a comparison not merely with the actual previous condition of the college, but with its probable condition if no such assistance had been given."

But the most important results of the inquiry are described in a very few words of the Report. First, as to the teaching in Divinity classes upon questions in which the interests of the State and general morality are concerned, the Commissioners say—

> "We should, however, be doing injustice to the college if we failed to report, as the general result of the whole evidence before us, that we see no reason to believe that there has been any disloyalty in the teaching of the college, or any disposition to impair the obligation of an unreserved allegiance to Your Majesty."

Second, as to the instructions for the Confessional—

> "We are bound to say that we have no reason to believe, from the evidence of any party, that those studies have had, practically, an injurious effect upon the mind and character of the students."

Third, as to the results of the discipline of the College—

> "We have heard no imputation from any quarter against the moral character of the young men, and we have no reason to believe that their general character is other than irreproachable."

And yet it is after such a complete and perfect vindication of the College of Maynooth that Parliament is called upon to withhold that assistance to which the people of Ireland have a clear and indisputable right. If the hon. Member will move that all endowments be done away with in Ireland, the Established Church, as well as the *Regium Donum*, and the grant of Maynooth, I shall be only too happy to second him, and I venture to say so will all the Catholic Members of this House. And should he succeed, that day would be a blissful one for Ireland; for the ministers of religion of all persuasions would then be animated by no feeling of jealousy or ill-will, but by a noble rivalry and a holy emulation in the great work of elevating and improving their flocks. Let me now give the House a description of what the Maynooth priest really is. If there be any clergy in the world more eminently suited than all others to their vocation, and better adapted to the scene of their missionary labours, it is the clergy educated in Maynooth. I admit that they are not a dandified clergy, that they are not ambitious and pretentious scholars, such as delight to shine at literary or scientific *conversazioni*, though many of them are profound scholars, and most of them are sound thinkers, clear reasoners, and thoroughly grounded in that professional knowledge which belongs to their sacred calling. They are more than that—they are bold and courageous in the performance of their duties. See the Irish priest tested in the hour of national trial, when the plague-breath sweeps over the land, and men and women and children wither beneath its baleful influence—see him rushing into the midst of contagion, and drinking in the fœtid breath of his dying fellow-creature, while administering to him the last consolations of religion. Nay, regard him in the ordinary circumstances of his laborious mission. He is the curate of a country parish, not like a parish in the middle of a city, where the whole population is, as it were, within the reach and under the eye of the pastor, but one ten, twelve, or even fifteen miles in extent, as many rural parishes in Ireland are. He has been occupied all day in going from village to village, from hamlet to hamlet, from house to house, visiting, catechising, instructing; and he retires to bed, wearied, jaded, but still cheerful. It is possible that his heavy slumber may be undisturbed, and that he may rise in the morning invigorated for a renewal of his missionary labours; but it is quite as possible that he may be roused up by the frantic appeal of a distracted father, husband, wife, or child, on the part of a sick or dying relative. Does the priest hesitate for a moment to respond to that passionate appeal? Not he; he rises cheerfully from the comfort of his warm though humble couch, hurries on his clothes, and on horseback, but more probably on foot, proceeds to the scene of his duty, over bog and valley and mountain, in winter as in summer, whether in rain, and snow, and storm, any distance, and at any hour of the night. In fact, no soldier obeys with more alacrity the commands of his officer, than does the Catholic priest the obligations of his duty and the dictates of his conscience. The Catholic priesthood of Ireland, instead of being, as they are falsely accused of being, the foes of learning and the enemies of human enlightenment, are *par excellence* the friends of education; their most anxious desire is to enlighten the minds and purify the hearts, and thus elevate the tone as well as the condition, of the poor. Let the mover of this Motion ask Lord Derby, the late or the present Premier, the right hon. Gentleman the Attorney General for Ireland, or any one possessing a knowledge of the country, who were the patrons of the national system of education, and the answer must be that it was the Catholic clergy. They were its patrons and supporters, and without their aid and assistance the whole system would collapse into ruin, no doubt to the grievous injury of the country. Its chief opponents were and are the Protestant clergy, whose motives I shall not say are otherwise than conscientious and creditable. I myself know many Catholic clergymen who have beggared themselves, who are involved in almost inextricable embarrassments, in consequence of their efforts to establish national schools, in some cases as many as four or five schools, in their parishes. To say, then, that those men were the friends of darkness and ignorance, is the foulest slander that bigotry has ever concocted. Catholic Gentlemen in this House have been specially exempted from the slanderous aspersions cast upon their priests and their religion; but, in the name of the Catholic Gentlemen here assembled, I fling back with contempt those hollow compliments which are paid us at the expense of our priesthood, and to the dishonour of our religion. I will tell the hon. Member for North Warwickshire what I saw in the pages of *The Times* of yesterday, and how it exemplifies on the one hand the valour, and loyalty, and sufferings of Irish Catholics, and on the other the hypocrisy and dishonesty of their traducers. In one portion there was a list, a long list, of the killed and wounded before Sebastopol from the 4th to the 10th of June. I read over that list of nearly three columns in length, and I venture to assert that more than half, certainly not less than half, were Irish Catholic soldiers—"idolators" as they have been insolently termed, even in this House—who had been instructed in their youth from Catholic altars, and had learned from the Catholic priest, the Maynooth priest, or from a Catholic mother, that catechism which, while it rendered them more moral, did not render them less brave and heroic. I ask the revilers of the Irish Catholic, did the Russians feel less keenly in the rush of battle the bayonet of the Irish "idolator" than the bayonet of the English Protestant or the Scotch Presbyterian?—and in the hour of the deadly assault, was the "idolator" Pelissier less heroic, less terrible to the enemy than the orthodox Raglan? But look to the other part of that *Times*, and behold the downfall of humbug, in the person of one who brought sorrow and desolation to many a home, who beggared the widow and the orphan, but who masked his hypocrisy and rottenness by a pious horror of popery, and a punctual attendance in Exeter Hall, whenever the iniquities of Maynooth were to be exposed, or a saintly chairman was required. What a splendid commentary on a barefaced imposture is the downfall of this modern St. Paul! It is a warning to the world not to trust ambitious lawyers or saintly bankers, when they make a stock-in-trade of no-popery. I oppose this Motion because it is based on falsehood, and that its acceptance would be a virtual admission that the charges against Maynooth are based in truth; I also oppose it because if we yield now we must yield again to-morrow. It is now Maynooth, it may be the next day the Emancipation Act, and the next the toleration of the Catholic religion, nay, even the existence of a Catholic people. We do not say that you may not succeed eventually in your present unworthy object, but we will resist you, from the very threshold, while we have voices to speak, or energies to counteract your efforts. You may imagine that if you succeed in taking this endowment from Maynooth, your triumph is therefore certain. There you are mistaken. The Catholics of Ireland have endured worse than the withdrawal of a grant to a college. There were times when the altar was overturned, and the priest was hunted, and the hoof of the troop-horse trampled in the blood of the slain—when the Catholic was driven out to the fastness of the mountain by sword and flame—and yet, in spite of all they have suffered, all that human malignity invented for their destruction, they are still a nation. Yes—withdraw this grant, insult and calumniate those who are rushing to the standard of their Sovereign; revile the faith of those gallant men who meet death in a thousand shapes in defence of your flag, and in maintaining the honour of this empire—do so, and what will be the result?—one which you may not anticipate, but which must inevitably follow. Tear this grant from Maynooth, and the *Regium Donum* from the Dissenters, and from the day you do so, will a fierce and terrible agitation spring up in the country; the spirit of liberty will rise against an oppression which is now sullenly endured; and over the shattered walls of the Established Church of Ireland will wave in triumph the victorious banner of the voluntary principle.

Captain STUART said, that the hon. and learned Gentleman had forgotten to tell the House that the measure as originally passed was but an enabling Act, and that the institution of Maynooth had been altogether diverted from its original purposes. He willingly admitted the loyalty and bravery of the Irish people, but that was not the question they were called upon to consider. The endowment of Maynooth was gradually increased since it was first established in 1796. They were referred to the Report of the Commissioners in order to ascertain the real facts of the case. Now in the first place he denied that the evidence was given in a fair way, or that the witnesses were examined fairly by the Commissioners, who were too ready to receive any answer they could get, and in most cases the defendants were themselves only examined in chief, and were not subjected to the slightest cross-examination. He wished to know how it was that the College of Maynooth, which had been founded for Ireland alone, was able to send out priests elsewhere and to act as a propaganda; for it was a propaganda, and nothing less. It supplied priests to our colonies, and had sent out bishops to India, to the West Indies, and to Australia. It was said that the Pope had no influence over the College of Maynooth; but he could not credit that statement when he found that books which were prohibited in Rome were immediately prohibited at Maynooth, although allowed at other Catholic seminaries, and that the Pope's behests were faithfully carried out in that institution. He could not admit that this grant of 30,000*l.* a year was required for the education of the people of Ireland. He had no desire to prevent the Irish from being educated in their own religion; but the fact was that at this moment the whole of the national schools of Ireland were in the hands of the priests alone, while Protestants contributed to them with their purses. He thought that the Protestant Members of that House were bound to use all their efforts to repeal a grant for the support of a religion which they conscientiously believed to be erroneous and wicked. They could not shut their eyes to the exertions made by the Roman Catholics to disseminate their religion in the United Kingdom. Why, it was even said that they had obtained permission of the Government to celebrate mass in Brixton prison. An attempt, too, had been made to deprive the Protestants in the Dublin workhouse of the use of their own religious books, on the ground that they were of a controversial character and might offend the feelings of the Roman Catholic inmates. Under all these circumstances—looking to the character of the Roman Catholic Church, and the power claimed and exercised by its supreme head, the Pope—he was of opinion that this grant should be put an end to at once and for ever. And he was certain that if that object were attained there would be much less sectarian bitterness felt by the Members of that House, and a greater spirit of charity manifested towards each other.

Mr. STANHOPE said, that the hon. and learned Member for Dungarvan (Mr. Maguire) had complained of the want of a library and of an infirmary, and of the dilapidated state of the college generally. Now, he (Mr. Stanhope) did not think that that description of the institution was very encouraging to them to continue this grant, for some five years ago there were 30,000*l.* given for new buildings; and for some years Parliament gave the college about 1200*l.* per annum for the purpose of carrying on the repairs of the place, in addition of the grant of 30,000*l.* for the maintenance of the establishment. The Protestant Church was the national Church as far as Great Britain was concerned, although he admitted that the great majority of the inhabitants of Ireland did not coincide in her teaching nor follow her tenets. He thought that there were two ways in which the Government ought to treat religion in Ireland. The one was by simple toleration; the other was by grants of money towards the support of all religions. As to the first, he thought that every Church and every sect was entitled to complete toleration; and the State had no particular claims upon the clergy of any religion, except obedience to the laws.

But when a religion received assistance from the Crown, then he thought the State entered into a compact with that religion, and it was entitled to see that the money so given to it should be devoted entirely to religious purposes. The State was bound to repel any aggressive spirit, or any efforts made for the attainment of temporal power which was calculated to produce effects detrimental to the community at large. Upon that ground, as well as many others, he objected to the continuance of the grant to Maynooth. He could not shut his eyes to the fact of the powerful influence exercised by the Roman Catholic priests of Ireland at all elections, and that they were known to speak rather violently in their chapels upon political subjects. He would of course admit that at the time of a contested election the blood ran rather high, and that many persons then said and did what they would be sorry to do at any other time. He would likewise admit that in Ireland the blood might be a little hotter than here, and that some allowance should, therefore, be made on that score; but when the Roman Catholic priest interfered he actually made use of his religion as a menace and a threat in order to compel his flock to give their votes in a particular manner. The interference of the Roman Catholic priests at elections in Ireland, for many years past, was now matter of history, and on looking into the Report which had been presented by command of Her Majesty, and reading the evidence of Dr. O'Hanlon, the prefect of the Dunboyne institution, a gentleman who he (Mr. Stanhope) supposed was no longer young, and who had formerly been a divinity lecturer and teacher of religion at that institution, the House would see the opinion which that Gentleman entertained with regard to what was the duty of a priest in controlling or directing the political opinions of his flock. Dr. O'Hanlon said that when there was no ground for questioning the fitness of a candidate it was a spiritual duty of the priest to announce to his flock that they were strictly bound to vote for that candidate; and that as often as the priest was convinced and morally certain that the electors were bound to vote for this or that particular candidate, so often he was not only warranted, but bound, to interfere in the matter. He was further asked whether a priest would be warranted in withholding any sacrament of the Church from a man by reason of his preferring one candidate to another; and in reply to the question he said, that, absolutely speaking, the priest would be warranted in withholding any sacrament, because he was not only warranted, but bound, to withhold the sacraments from a man who was disposed to commit a mortal sin, and as a case might arise in which a man, by preferring one candidate to another, would be placed in that position, the priest was bound to do so. Subsequently he stated, that when the priest was morally certain that one candidate was superior to another he was not only permitted but enjoined to withhold the sacraments of his Church from a person who happened to vote in opposition to the superior candidate. Well, for the present period, in the middle of the nineteenth century, that was, it must be confessed, rather despotic language for a clergyman to hold in that free country. During the short space of time that he (Mr. Stanhope) had had the honour of a seat in that House, he had listened to a vast amount of eloquence and protestations upon the subject of purity of election and freedom of opinion. Only last year Parliament passed a Bill of pains and penalties, which treated the Members of the House of Commons as if they could not be trusted, and the object of the measure was to secure purity of election. For many years, too, the House had had to consider an annual Motion for the Vote by Ballot, with the same object in view. Yet at this very moment they were not only permitting, but positively encouraging by an annual grant of public money, a system of religion in Ireland, the priests of which felt themselves warranted and bound to employ their sacerdotal power in forcing their flocks to vote as they might think proper to direct them. [An Hon. MEMBER: Why don't you adopt the ballot?] The ballot would be useless in such a case, whatever might be its effects in any other. In a Roman Catholic country it must be useless for this reason, that it would have to meet with a secret engine far more potent than itself—he meant the confessional. If, then, the House was honest in its desire to promote freedom of election, let it not encourage by an annual grant of public money a religion the priests of which employed their power in that way. For his part, he could not consent to go on any longer giving encouragement to a system which he believed to be based upon vicious principles, and injurious in practice to the institutions of the country; and, in taking that course, he must disclaim altogether being actuated by any bigoted feelings against the Roman Catholic religion, or by any feelings of hostility to the Irish people. He had no wish to question their loyalty—he was glad to see them fighting in the same cause as ourselves. He opposed the grant simply and solely because their religion was employed as an engine to obtain temporal power, and re-assert that supremacy of the Roman Catholic Church, which was once predominant in that country, and which would, if we were not true to ourselves, be so again.

MR. PATRICK O'BRIEN said, he felt that his task was, indeed, an easy one, as, after the admirable speeches which had been delivered by his right hon. and learned Friend the Attorney General for Ireland, and his hon. and learned Friend the Member for Dungarvan (Mr. Maguire) he was relieved of almost all the labour and much of the anxiety of addressing the House upon a question of such great interest and such grave importance. However much he must regret the discussion in that House of matters calculated to engender sectarian and personal feelings, he yet could not altogether consider such a discussion as an unmixed evil, giving, as it did, to Irish Roman Catholic Gentlemen an opportunity of repudiating doctrines most erroneously attributed to them, and of explaining, as far as social order and general morality were concerned, their views. He was not prepared to regard this question as a controversial one, but should rather refer to the circumstances under which the grant was introduced by the late Sir Robert Peel, and apply his attention to any particular circumstances which might have since arisen to warrant the repeal of a grant long and carefully considered by the Legislature. The case now presented to the House was not to be considered as holding a similar position to that brought forward on its first inception; they were now only, in his opinion, to regard whether such a state of facts had arisen as to warrant the withdrawal of the grant; and, applying himself to this state of things, he would, in the first place, submit it to be his opinion that he was no more called upon to enter into the controversial part of the question, whether as regarded great mysteries, or other salient points of belief, than would the many individuals, composing what in courtesy is denominated the united Churches of England and Ireland, be required to reconcile their oftentimes conflicting notions upon the various dogmas contained in the Thirty-nine Articles. In his opinion, the question for the consideration of the House was contained in two propositions. First—Is the teaching disloyal and contrary to our constitution? Secondly—Is it in unison with, or calculated to be subversive of, the immutable laws of general ethical morality? [In reference to the first proposition the hon. Member went at some length into the evidence. He stated the book of "Delahogue" to be the class-book upon the subject, and quoted him as affirming that the Pope had neither directly nor indirectly any temporal power; he mentioned that by the evidence of one of the Professors (he thought Mr. Furlong) the duty of allegiance was stated to be an axiom in the sense of duty to parents; and in support of this position he read extracts from the evidence of Drs. Murray, O'Hanlon, Furlong, &c., as likewise from the evidence of the Rev. Mr. Butler, now a Protestant clergyman; and remarked that their evidence was strongly supported by as many of the students as were examined by the Commission.] The opinions of Cardinal Bellarmine, since adopted by Dr. Brownson in America, were totally ignored in Maynooth; and the Rev. Mr. Hackett, stated that there was only one student in Maynooth who read Brownson's work; and the Vice President had stated, in his evidence, that if he saw the book in a student's room he would take it away. But coming now to the second branch of the inquiry he wished to see whether the faith of Catholics is consistent with ordinary moral ties, and with the existence of social obligations. The Professor naturally to be first referred to upon such a subject is the Rev. Mr. Jennings, the Professor of Logic and Metaphysics, and he starts upon the great principle that liberty is the indispensable basis of morality, and that morality consists in the conformity or non-conformity of actions to the immutable law of God; and, answering a calumny too long propagated in reference to our ethical opinions, he states that no end could justify the employment of wicked means, giving as an illustration the statement of eminent Catholic theologians, that a lie would not be lawful, even had it for its object the salvation of all the souls at present or hereafter to be damned; and that the Pope, neither by Bull or otherwise, possessed the power to abrogate the sanctity of an oath. But it is said that, so far from the Holy Scriptures being treated with deference, and acted upon as the great repository of Christian faith, a total disregard and aversion is entertained for them, and their existence is well nigh ignored at Maynooth. Let us see how the case stands. On referring to the evidence of the Rev. Mr. Gillic, the Professor of Scripture, he found that the junior students were compelled to attend lectures on the sacred volume twice a week. In this evidence the Rev. Mr. Neville concurs. The Rev. Mr. Murray recommends to his own class to follow what had been his own practice, namely, to read two or three chapters daily. The Rev. Mr. O'Hanlon, too, informs us that the Dunboyne students must have (prior to their entry into that establishment) read a course of Scripture, extending over three years. He likewise denied that this permission to search the sacred volume was only extended to the clergy, and that there existed any possible repugnance to allow the laity to read the Bible. He mentioned to the House that some weeks since there was a Friend of his staying in the same house with him, who had very lately returned from the Crimea. That officer (for he was in the army) had brought home with him a copy of the Douay version of the Bible, which he (Mr. O'Brien) believed had been procured from a Catholic clergyman, either at Devno or at Scutari. In turning over the title page he observed, what no doubt may excite the wonder of some hon. Gentlemen, namely, a letter from Pope Pius VI. to the ecclesiastic who had translated the Bible, extending to him the Apostolic benediction, and thanking him in the warmest terms for having afforded to the Italian people by his translation an opportunity of having corrected the dangerous effects then about being produced by the circulation of works amongst them, which were calculated to destroy morality. He appealed to every Catholic Gentleman who heard him whether his earliest recollections were not of Scripture history; whether Noah and his Ark, David and Goliath, Joseph and his brethren, and, in the New Testament, the repentance of Magdalene, the widow's mite, and the story of the publican were not amongst the very earliest reminiscences they could retrace in their memories. "Yes," as has been well said, "we have a Bible to read and a Church to teach it." But with regard to the argument founded on concientious objection he could not see how that could be sustained when he recollected that even now Malta, Gibraltar, the Mauritius, and, until the passing of the Clergy Reserves Bill, Canada, receive State endowment. He must confess that the more he listened to statements dogmatically put forward by hon. Members in reference to his creed, the more was he convinced of the truth of the apophthegms of Diderot—"That the more we know, the more we know our own ignorance." He was surprised to find persons, boasting of their believing in the right of private judgment, coming forward and opposing a grant of this character, purely designed for educational purposes; for his own part, he preferred taking as a definition of toleration one that he found in the Blue-book in his hand, from the pen of a most distinguished and pious bishop, the great Fenelon. What did he say, in writing to the son of the Pretender?—

> "Above all things never force your subjects to change their religion. No human power can force the impenetrable entrenchments of the heart. Force can never persuade men—it can only make them hypocrites! When kings meddle with religion, instead of protecting it, they only reduce it to servitude. Grant civil toleration to all, not by approving of all as equally good, but by suffering with patience all that God suffers, and by endeavouring to reclaim men by sweet persuasion."

Such were the opinions of a Catholic Bishop—opinions in which he, and, he might say, his brother Catholic Members, perfectly coincided. Now, in reference to the question of policy, and the unhappy occasion upon which the motion was brought forward, he thought that the Attorney General for Ireland had, by his speech, relieved him from any necessity of alluding to the subject, but he would merely mention the state of feeling, as mentioned by Gibbon, in his account of the siege of Constantinople by Mahomet the Second, as affording a parallel to the conduct of the supporters of this motion, engaged as we are in a most exciting war. "What occasion," say they, "have we for succour, for union, or Latins; far from us be the worship of the Azymites." And the first Minister of the empire (here the parallel as regards the hon. Member for North Warwickshire ceases) was heard to declare that "he had rather behold in Constantinople the turban of Mahomet than the Pope's tiara or a cardinal's hat." But regarding this question in a monetary point of view, they could at best, as has been well said in former debates, regard it as a meagre restitution, looking to the quantity of Church property which has been confiscated. A distinguished Gentleman, formerly a Member of that House (Mr. Ward) estimated this miserable grant but as two per cent upon the former confiscation. He would not wait to answer the falsehoods which are daily circulated amongst the uninstructed classes throughout the country, both in reference to his belief and to the alleged conduct of the clergy of Maynooth, foiled as they had been in their attacks on the institution by the clear evidence presented to the country through the pages of the Blue-books. The parties interested in thus reviling his religion had spread the most unfounded statements in reference to their doctrines. Men who had never read any book of Liguori, of Loyola, of Bellarmine, or of Suarez, yet did not hesitate to attribute to them the most outrageous doctrines; and those holy men who exceeded, if possible, by still more holy ladies, whose ignorance, only equalled by their enthusiasm, led them to search in the fire of fanaticism for the light of the Gospel. For his own part, the senseless outcry at present raised in England against Catholicity generally, and Maynooth in particular, seemed to be well illustrated in the well-known lines in the "Rejected Addresses:"—

> "Who makes the quartern loaf and Luddites rise?
> Who fills the butcher's cart with large blue flies?
> Who thought in flames St. James's Court to
> pinch?
> Who burnt the wardrobe of poor Lady Finch?"

But he had observed yesterday in a morning journal (*The Morning Herald*) an article which he would wish shortly to allude to, in which the writer would have his readers infer that social and industrial progress were inconsistent with the profession of the Catholic religion; and the great tide of emigration was created by a desire to escape misery and Catholicity, in order to fly to Protestantism and plenty. But on a moment's reflection how did the matter stand? Why, from Catholic France there was scarcely any emigration. From Belgium he might almost say the same. And in a book written by a very observant writer, and at the same time a staunch Presbyterian—he meant Mr. Laing—he found the following startling statement:—

> "The population of Prussia, like that of Britain, is mixed—Protestant and Catholic—in the proportion of about five Catholics to eight Protestants. There are 8,604,708 Protestants, and 5,294,003 Catholics; the proportion of Catholics is larger than in the United Kingdom.
>
> "In the provinces of the Rhine the people are Roman Catholics; and in manufactures, trade, capital, and industry, are very far in advance of any other portion or people of the Prussian dominions."

There was one other topic to which he would allude before he closed his observations, and that was in reference to the imputation of their holding the doctrine of exclusive salvation. He (Mr. O'Brien) felt assured that hon. Members, on reading the evidence upon that subject, would admit that their doctrine in that respect was much more liberal than that of many Protestant sectaries. The Rev. Dr. Crolly, quoting in his support the opinions of many learned and pious doctors of the Church, divided heresy into formal and objective, and stated that, regarding this distinction, many Members of heretical societies were not guilty of the sin of heresy? He thought that, after such statements, no one would venture to affirm that they, the Catholics, were not infinitely less exclusive in their doctrines than those persons who, holding the extreme opinions of Calvin upon justification, ventured to assert that there were souls whom an All-benevolent Creator had created to be damned. Alluding to those Calvinistic opinions induced him to address himself more especially to the Scotch Members, who, forgetful of all that they owed to Liberal Catholic Members in their political and social struggles, were in that House, as elsewhere, the most determined opponents of Catholic rights; they, a people who prided themselves on their educational advantages, ought not to forget how far they were indebted to the Catholics in past times. It was but the day before that he took up a book, in which was contained a copy of the inaugural address delivered by a distinguished Member of that House (Mr. Macaulay), on being elected Lord Rector of Glasgow, in which, with a candour that did him honour, he alludes to the foundation of that University, by, as he well described him, "the greatest of the restorers of learning, Pope Nicholas V.;" a man "who gave his sanction to the plan of establishing a University at Glasgow, and bestowed on the new seat of learning all the privileges which belonged to the University of Bologna." What Nicholas the Fifth did for Glasgow, Wolsey did for Oxford, and the history of those islands, as well as of Europe, abounds in instances of the exertions made by Catholics in the advancement of literature, and the promotion of science. He laughed at the idea of Catholicity being put down by measures of this character—every form of opinion instead of being suppressed rather gained elasticity from attack, and the more they were opposed the more were strengthened the religious convictions of men. That House might by withdrawing the grant, reduce the social *status* of the Irish priest; but whether well clothed or ill-clothed, highly educated or not, the Irish peasant would still anxiously claim, and as readily receive at his hands, kind solace in his social trials and the blessing of religious consolation in his spiritual necessities.

Debate *further adjourned* till *To-morrow.*

House adjourned at two minutes before six o'clock.

HOUSE OF LORDS,

Thursday, June 28, 1855.

MINUTES.] PUBLIC BILLS.—1ª Youthful Offenders (No. 2); Union Charges Act Continuance; Court of Exchequer (Ireland); Burial-Grounds (Scotland); School Sites Alienation; Dwellings for Labouring Classes.

Reported—National Gallery, &c. (Dublin).

3ª Militia (No. 2).

THE SLAVE TRADE.

LORD BROUGHAM said, that he had received a communication from the Brazilian Ambassador to this country in reference to the remarks he had made in that House the other night with respect to slavery and the slave trade. That communication corroborated every word that he (Lord Brougham) had said, and stated in addition certain important facts connected with the cessation of the slave trade in that country during the last four years. The number of slaves imported into Brazil amounted in the first of those four years to 50,000, in the next year to 30,000, in the third year to 3,000; and in the fourth year the traffic had entirely ceased. And not only that, but of the last mentioned 3,000 slaves imported 1,500 were taken by the police authorities of Brazil, and set at liberty.

MARRIED SOLDIERS—INCREASE OF PAY OF THE ARMY IN THE FIELD.

THE DUKE OF RICHMOND said, he wished to call the attention of his noble Friend the Secretary for War to a subject of which he had given him notice. He had observed in the newspapers advertisements calling on architects to send in plans for new barracks which were about to be erected in different parts of the country; and he wished to call the attention of his noble Friend to a matter of great importance, and to inquire whether in the erection of new barracks due care would be taken to have separate accommodation for married soldiers, their wives and children? Nothing could be more degrading from decency and self-respect than that married men and their wives should be sleeping in the same galleries where there were forty or fifty unmarried soldiers. He had been always taught to believe that decency and propriety were the most important outworks of chastity, and it was impossible to expect that women who witnessed such scenes as must occur in a barrack room could be otherwise than demoralised. He wished to call attention to a plan with regard to this matter which had been successfully tried. In 1852, Colonel Alexander, a gallant and distinguished officer, of the Madras army, was examined before the Committee of their Lordships' House which sat on Indian affairs, and he stated that in the Madras army the practice of married men and their wives living in the same building with the rest of the men had been abandoned, and that both the regiments and the women belonging to them had been greatly improved by the adoption of that course. He conceived it was hardly necessary for him to call the attention of his noble Friend to this subject. Though much had been done to improve the condition of the soldier by means of establishing schools and reading rooms, the cultivation of athletic exercises, and the distribution in our barracks of medals and gratuities for good conduct, yet much remained to be done. He did not see why a soldier in Her Majesty's service should not be as well off as a pauper in a workhouse, who had a dormitory in which he neither ate nor cooked his meals, but had a day-room; whereas the soldier too often, in barracks in this country, was compelled to cook and eat in the room in which he slept; and there was no comfort for him in his barrack-room. He believed the experiment of day-rooms had been found most beneficial in the police barracks in London. Instead of the soldier having a room where he might go, with a fire, by which he might read the papers or periodicals, and prepare his hot cocoa or coffee, you now drove the young soldier from his cheerless barrack-room, where so little fuel was allowed, to the beershop or the low public-house, where he began those habits of drunkenness which were the source of all the crimes the soldier committed. We talked of our gratitude to the brave men who were fighting in the Crimea, but he wanted gratitude expressed more in deeds than in words. In the first place take care of those whom the soldier loved, and then endeavour to elevate his character by giving him respectable habits; and if that was done the country would look favourably on the soldier, and respect him as much for his conduct in quarters as they did for his heroic gallantry in the field. He wished to ask his noble Friend if any plan such as he had imperfectly indicated was to be carried out in the erection of new barracks? He trusted also that he might be allowed to ask if the recruiting for Her Majesty's forces was going on in a satisfactory manner?—for though he for one never had, or should have a doubt of the success of the British army in any undertaking in which they were engaged, yet he should be glad to be informed whether the Goverment had taken seriously into their consideration the absolute necessity at the present moment of putting into the ranks of the army, not merely children of seventeen or eighteen years old, but young men with more formed constitutions, who, though they never could be braver than those who were now in the Crimean army, would have more stamina to enable them to undergo the privations, fatigues and hardships which were inseparable from war.

LORD PANMURE: My Lords, in answering my noble Friend's questions, I will in the first place state my entire conviction that they are put in no spirit of hostility to the Government, because the conduct of the noble Duke, in reference to military matters in this House, fully proves that he is the last person to be actuated by any such motives. With regard to my noble Friend's first question, it must be satisfactory to all concerned in the welfare of the British army to feel that the tendency, not simply of public opinion, but of the public acts of the House of Commons, in voting the supplies for the army, has of late years been to improve the condition of the soldier. Every person who for many years past has occupied the situation of Secretary at War has endeavoured to raise the character of the military profession in this country with a view of inducing respectable persons to permit their children to embark in it. But although much has been done in that direction—for instance, by establishing libraries and promoting education—although the spiritual instruction of the soldier has been attended to, and although the temptation in the shape of spirits in the canteens has been removed—still I admit that much remains to be done for the comfort of the soldier. Nobody can have heard the description just given by the noble Duke of the condition of women in barracks, even when admitted there with the sanction of a commanding officer, without feeling how degrading a system must be which exposes them to witness every day the scenes weich occur in a barrack room. The subject of the future construction of barracks is at present under the consideration of a Committee; that Committee has not yet reported, nor can I say whether it has especiallly directed its attention to this point; but if it has not, it will be the duty of those who are charged with the erection of barracks to amend the Report in that particular. I quite agree with the noble Duke, that without dayrooms barracks cannot be made comfortable for the soldier, and that it is neither wholesome nor becoming that the equipments should be kept and all cooking done in the sleeping-rooms. Such a state of things ought certainly to be put an end to. It is absolutely necessary, too, that separate accommodation should be provided for women if women are to be admitted into barracks; but I am one of those who think that the presence of women might be dispensed with altogether in barracks. I do not see why soldiers in the army should not be able to do for themselves many of those things which women are now employed to do. It would be no great hardship if young men entering the army were to be informed that, at all events until the expiration of their first period of enlistment—until the end of ten years in the infantry, and of twelve years in the cavalry—they would not on any pretence be permitted to marry. If that were the rule, I believe that with the present arrangement of the army there would never be any married privates at all; the only married people in a regiment would be non-commissioned officers, and there would be no difficulty in providing separate accommodation for them. I see no reason why a certain class of non-commissioned officers, might not very properly be married, and attached to the regiment as married men. The noble Duke's second question—with regard to the progress which recruiting for the army is at present making—is one in which every one of your Lordships, as well as the whole country, must be deeply interested. It is impossible to deny that the establishment of the army is far below that which has been voted by the House of Commons. I do not attribute this to any dislike to the service, because a great number of men have entered the army, and we are at the present moment recruiting very nearly at the rate of 1,000 per week; but still there never has been a sufficient number enlisted to bring up the number to that which was voted by Parliament, and, although we are gaining ground, yet we are on the other hand, losing by the consumption at the seat of war. It occurred to Her Majesty's Government that the difficulty might be got rid of by an increase of the bounty; but on consultation with the noble Lord at the head of the army, and with those who have had considerable experience in this matter, we have been dissuaded from taking that step. We propose, therefore, to try another mode, which though entirely novel in the British army, is one from which we anticipate considerable success. The plan is this, that to all soldiers who shall be engaged in the field of action before the enemy—and this will of course apply at once to the army in the Crimea—double pay shall be given. I propose that a shilling a day shall be added to the pay of all men who are now before the enemy; and this addition will take place from the day when they landed in the Crimea. I do not propose that this addition shall go immediately into the pockets of the soldier. I am one of those who think that if the expenses which are put upon soldiers by some commanding officers and others who take arbitrary views on these points were more carefully watched, the pay of a soldier would be amply sufficient for all his necessities in time of war. I propose, therefore, that this additional pay shall be invested in the savings bank in the country. If the soldier survives and returns to this country, it will accumulate into a fund which he will receive on his discharge; if he is pensioned, he will have it in addition to his pension; and, if he unfortunately falls, it will be given to his representatives. Every soldier, therefore, who dies fighting the battles of his country will leave a fund behind him for those who are dear to him; and if he survives he will have an accumulating fund for himself at the end of the war, which will not interfere with or be in lieu of any pension to which he may be entitled. This plan I intend to make public in a few days by means of a proclamation, and I trust that by adopting this plan, instead of increasing the bounty, I shall not only be taking the most adequate means of rewarding those who are already fighting the battles of their country abroad, but that I shall be enabled more economically to tempt the youth of this country to prefer the army as a profession, and to enter into it at a time when I have no hesitation in saying their services are most urgently required.

ASSIZES AND SESSIONS.

Order of the Day for the House to be put into Committee, read.

LORD CAMPBELL after referring to the various important alterations of the law involved in the measure, suggested that as a number of Bills had already been postponed in the House of Commons on account of the advanced state of the Session, the present Bill, which would require most deliberate consideration in the House of Commons, should also be deferred to another Session,

Moved, that the House do now resolve itself into a Committee.

THE LORD CHANCELLOR could see no reason why the Bill should be postponed. It had been read a second time, and generally speaking, received the approbation of their Lordships. Even his noble and learned Friend approved the object of the measure, and the only reason he suggested for its postponement was an apprehension that it might be opposed in the other House of Parliament. He did not see why the Bill should not pass both Houses; but, at all events, he hoped their Lordships would do their duty and carry it through its various stages without delay. It would rest with the House of Commons to find time to consider it or to deal with it otherwise.

LORD BROUGHAM hoped, when his noble and learned Friend argued so much in favour of not overloading the other House of Parliament with business when the solemn season of the 12th of August drew nigh, that the other House would take the same considerate course with regard to their Lordships, and not send up Bills within the last ten, or even three or four days of the close of the Session, which they were called on either to reject altogether or swallow whole, seeing it was physically impossible to apply to them the slightest consideration. He hoped their Lordships would now go into Committee on the Bill.

After a few words from the Duke of RICHMOND and Lord DENMAN,

Motion *agreed to;* House in Committee accordingly; an Amendment *moved* and *negatived;* other Amendments made: the Report thereof to be received on *Monday* next.

THE MILITIA (No. 2) BILL.

Order of the Day for the Third Reading read.

Moved, that the Bill be now read 3^a

THE EARL OF MALMESBURY said, that he hoped the noble Lord the Secretary at War would introduce some Amendments into the second clause. One of the greatest inconveniences sustained in the various towns and parishes throughout the country, was the inequality that existed in the valuation of property, and the assessment of the rates. The noble Lord, seeing that disputes as to the proportion which each parish in a county should contribute to the expenses of the militia would very probably arise, proposed that the Government should appoint an umpire to settle the proportions which each parish should contribute. He thought, however, that it would be much better to take the income-tax valuation as the basis of contribution.

LORD PANMURE objected to the proposal, on the ground that to introduce it into the Bill at this stage would be a violation of the privileges of the House of Commons.

LORD BERNERS complained of the complicated and, at the same time, loose manner in which several of the clauses were framed. He thought it was highly desirable that some provisions should be introduced into the Bill in order to secure a more equal and just system of assessment and rating than would be obtained by the Bill as it stood.

Motion *agreed to.*

Bill read 3^a accordingly.

An Amendment *moved* and *negatived;* an Amendment made.

Bill *passed*, and sent to the Commons.

House adjourned till *To-morrow.*

HOUSE OF COMMONS,

Thursday, June 28, 1855.

MINUTES.] PUBLIC BILLS.—1° Burial of Poor Persons; West Indies Relief Loans Arrangement.

2° Excise Duties; Duchy of Lancaster Lands; Dublin Carriage Acts Amendment.

ROMAN CATHOLIC CHAPLAINS IN GAOLS—QUESTION.

MR. SPOONER said, he rose to ask the right hon. Baronet the Home Secretary as to the amount of remuneration for Roman Catholic clergymen for attendance at gaols?

SIR GEORGE GREY said, that with respect to Brixton and Pentonville, and other prisons in the metropolis, he had already stated that the Roman Catholic clergy who attended received no remuneration; and he now found that there were no Government prisons in England in which they received remuneration. Previous to the Vote of last year there was a payment made to the priests who attended persons at Dartmoor and Portland, to cover their travelling expenses, as they had to go a considerable distance for the purpose of attendance. But since that Vote, his noble Friend at the head of the Government had directed that these payments should be discontinued, and they had been discontinued accordingly; so that now, not only was there no remuneration to Roman Catholic clergy for attending gaols, but they had to attend at their own expense.

TENANTS' IMPROVEMENTS COMPENSATION (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clause 5 (A notice of intended Improvements to be served on landlord).

SIR JOHN WALSH said, he would now beg to move the Amendment of which he had given notice. The principle of the right to compensation, in his opinion, ought to be that the tenant should place himself *in curiâ recti,* and that the Bill ought only to be resorted to by good and solvent tenants. As the clause now stood it afforded an opportunity to insolvent and litigious tenants to harass their landlords. He knew of no better test of the honesty of a tenant and of the justice of his claim for compensation than the fact of his having paid his rent. He had heard a great deal of bad landlords in Ireland, but he must confess he had seen a great deal of bad tenants. Another reason which ought to induce the Committee to adopt his Amendment was, that a tenant who claimed compensation for improvements ought at least to make those improvements out of his own capital, and not out of the capital of his landlord, which he clearly would be doing if he effected those improvements, and, at the same time, run two or three years in arrears with his rent. He regarded the application of the Bill in favour of such a proceeding to be contrary to the plainest principles of equity, and would, if it were sanctioned by the Committee, be striking a blow at the security of all property.

Amendment proposed, in page 6, line 15, to add at the end of the Clause the words—

> " Provided always, That no such notice shall be valid, nor shall such Tenant be entitled to any compensation under this Act for Improvements made in pursuance thereof, in any case wherein such Tenant shall owe an arrear of rent exceeding one year for his holding at the time of serving the said notice."

Mr. HORSMAN said, that, if the hon. Baronet had looked to a subsequent clause in the Bill (Clause 10), he would have seen that it rendered his own Amendment unnecessary. It was not, however, just to assume that because a tenant was in arrear of rent, he was therefore insolvent. The probability was that a great majority of solvent tenants would at the expiration of their term be more or less in arrear, though not, as the hon. Baronet had supposed, to the extent of two or three years. But even in that case the landlord had his remedy by ejectment, and the Bill provided that if the landlord was driven to evict his tenant for non-payment of rent the tenant forfeited by such eviction all right to compensation.

Mr. MAGAN said he did not think the fact of a tenant owing an arrear of rent, should preclude him from compensation for improvements.

Mr. FRENCH said, he should oppose the Amendment, because he did not think that, as a test of the solvency of the tenant, it was worth anything.

Mr. VINCENT SCULLY said, he did not think there would be so much hardship in the proposition of the hon. Baronet as there would be in that of the right hon. Gentleman the Secretary for Ireland.

Sir JOHN WALSH said, he thought his proviso would be an excellent substitute for that of the right hon. Gentleman the Secretary for Ireland, and would be an additional security to the landlord against abuses of the Act. At the same time he thought the question of the "hanging gale" should be considered, and there he was willing to modify his proviso by the addition, after the word "rent," of the words "exceeding one year."

Mr. MAGUIRE said, he should oppose the proviso, for he believed that there was no property in Ireland upon which there were not arrears of rent.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 60; Noes; 89: Majority 29.

Clause *agreed to,* as were also clauses 6, 7, 8 & 9.

Clause 10 (Recovery of compensation in case of eviction).

Mr. HORSMAN said, he proposed to insert the words, "except for non-payment of rent," after the word "otherwise" in page 8 line 43.

Mr. DEASY said, he objected to the insertion of the words proposed by the right hon. Gentleman the Secretary for Ireland, which he thought would be productive of injustice to the tenant, and were not necessary for the security of the landlord. He should feel it his duty to take the sense of the Committee on the Amendment.

Mr. HORSMAN said, that, unless the Amendment were adopted, a tenant would have the power of telling his landlord that he had made certain improvements, and that he called upon him there and then to give him compensation for those improvements. It might not be convenient at that moment for the landlord to comply with the request, and then, if the tenant refused to pay any more rent, the landlord would be compelled to evict the tenant for non-payment of rent.

Mr. MAGAN said, he would beg to inform the Government that he was getting very unpopular in Ireland for being so enthusiastic a supporter of the noble Lord (Lord Palmerston). He warned them, however, that if this Amendment were persisted in, he should withdraw his countenance from the Bill altogether. The Amendment went to deprive tenants in arrear with their rent of all compensation for improvements. Now the very class of all others that required compensation were the class of tenants in arrears, for that very fact showed they were in needy circumstances.

MR. POLLARD-URQUHART said, he thought the Amendment would press very hard upon farming classes in Ireland, should any unforeseen circumstances bring about a fall in the value of agricultural produce.

COLONEL GREVILLE said, he thought if the Bill was to be brought back to its original shape in one point, by parity of reasoning it ought to be similarly remodelled in every other respect.

MR. COGAN said, he should oppose the Amendment on the ground that if it were adopted it would make the Bill illusory, and of little practical effect. He hoped, therefore, the Government would reconsider the matter.

MR. PATRICK O'BRIEN said, these Amendments would render the measure totally unworthy the attention of Irish Members, because they would have the effect rather of advancing the landlords' interest than giving the tenant some prospect that he would obtain compensation for his improvements.

MR. LLOYD DAVIS said, he fully concurred in the views of the right hon. Gentleman the Secretary for Ireland, and would support the Amendment upon the simple ground of justice to all parties. He had frequently heard a desire expressed by the hon. Members from Ireland that the laws of England should be assimilated to that country. The Amendment proposed carried out that principle, for there was not a lease granted in England that did not contain a covenant by which the tenant lost the benefit of his improvements if he failed in paying his rent.

MR. M'MAHON said, he should certainly vote against the Amendment, as being unjust and oppressive upon the tenant. In Ireland it was not an uncommon practice to allow tenants to run in arrear of rent while they were making improvements upon their farms, and when the landlord found that they had expended all their capital in that way he came down upon them for his rent, in order to reap the advantage of the improvements without paying anything for them.

MR. SERJEANT O'BRIEN said, that a distinction ought to be drawn between the tenant who wilfully and designedly neglected to pay his rent and the tenant who was prevented from doing so from some unavoidable cause, over which he had no control whatever. Now, the Amendment recognised no such distinction, while as for the evil which it proposed to remedy, it was already sufficiently guarded against by the existing law. If an Amendment of that nature were allowed to pass as an act of justice, the Committee ought to insert another to prevent the unjust landlord from taking advantage of his honest but necessitous tenant.

MR. I. BUTT said, it must be admitted by all parties that the question was attended with great difficulties. Everything he had heard said on the subject had, however, confirmed him in the opinion that he ought to vote against the proposed Amendment of the right hon. Gentleman. When discussing that question it was useless to speak of the analogy of England. If they were to act upon the anology of England they ought not to have such a Bill as that before them. The principle, however, upon which they should proceed was that of compensation for improvements, which was admitted to be its object. They should not, therefore, be endeavouring to cut down as much as possible its advantages to the tenant, but rather to extend them as far as they were consistent with the just rights of the landlord. For the one case in which the Amendment would shield the landlord from the unjust claims of a dishonest tenant, he believed there would be twenty cases in which it would inflict the most crying grievance upon the honest tenant. He recollected hearing a distinguished Judge say that Solomon was a wise man and Samson was a strong man; but neither Solomon nor Samson could pay their rent if they had not the money. Now there was much wisdom in the observation—for an honest tenant with all his wisdom and strength, by unforeseen circumstances might be unable to pay his rent. Was it just then, under the circumstances, to say to him that he should not receive any compensation for his improvements on the land, although the value of such improvements might be considerably more than the rent that he owed? Was it at all likely that a tenant who had built houses, made roads, or erected fences, would expose himself to ruin by wilfully subjecting himself to eviction for non-payment of rent?

MR. FORTESCUE said, the Amendment was not consistent with the main principle of the Bill, viz., compensation to the tenant. Supposing a tenant fell into arrear with his rent, he was surely entitled to have credit for his improvements.

MR. G. BUTT said the Bill was not intended merely for the tenant; it dealt also with the rights and duties of the landlord. Was it not only fair then that when a tenant neglected to keep his contract he should be excluded from reaping the benefit of this measure? For his part, he thought the Amendment was founded upon equity and justice, and if it were rejected the Bill might be well denounced as a species of one-sided legislation.

MR. BOWYER said, that the 13th clause of the Bill appeared to him to be an answer to the proposition of the right hon. Gentleman the Secretary for Ireland, for it provided that a landlord would be entitled to set off the arrears of rent against any claim of the tenant for compensation. The facts of Ireland were altogether different from those of England. Although an Irish representative he was an English landlord, and as such he could have no objection to the extension of the principle of the Bill to England, for it would, he believed, be practically inoperative in that country; because, as he said before, the facts were totally different in England and Ireland. He had had occasion two years ago to evict a tenant, but as it was proved to him that that tenant's father had erected certain buildings upon the land, he felt himself bound, as an honest man, to pay the tenant 300*l.*, being the value of such buildings.

MR. NAPIER said, he thought he was bound to support the Amendment of the right hon. Gentleman. The principle involved in it was not new, for it underwent considerable discussion by the Select Committee in 1853. The tenant's right to compensation should arise whenever he was unjustly dispossessed by the landlord; but, on the other hand, if the tenant did not perform his part of the contract, it would be a strong thing to say that he created a title to compensation by his own default. According to his (Mr. Napier's) conviction of what was right and proper, then, he should support the Amendment.

MR. T. KENNEDY said, he would ask hon. Members the following question, if A owed B 5*l.* rent, and had expended 50*l.* in improvements, was A, owing only 5*l.* to lose his title to 50*l.* because B had neglected to place his estate in a condition fit for cultivation? If the clause were passed he would resist the progress of the Bill in every way he could, unless good reasons were shown to the contrary. Instead of being an Act to give compensation to tenants, it would be an Act to enable landlords to take advantage of their own wrong. He would desire to hear the law officers of Ireland express their opinions on the subject. He wished they would let the right hon. Gentleman know how this clause was likely to be received in Ireland.

MR. GEORGE said, if A had property worth 50*l.* owing his landlord 5*l.*, he had only to pay 5*l.* and he would have 45*l.* for his own benefit. He earnestly entreated Her Majesty's Government to abide by this fair and righteous Amendment of the clause. If the tenant were to have the benefit of this clause, it ought to be on the condition that he had performed his contract with his landlord—namely, by the payment of his rent. If the tenant were empowered to set off his claim for compensation against his landlord's claim for rent it would actually amount to confiscation; for when the landlord demanded 100*l.* for rent, the tenant would immediately say—"I have a claim upon you for 400*l.* for improvements;" and thus the landlord would be deprived of his right to get possession of his estate. He hoped, therefore, the right hon. Gentleman would persevere with his Amendment.

MR. MAGUIRE said, he wished to address a few words to the Committee on the Amendment now under consideration, although he confessed he saw but little use for the representatives of the popular constituencies in Ireland to give expression to their opinions, seeing how little was the impression those opinions made on the minds of those occupying the Ministerial benches. He was anxious, however, to ascertain what course of policy the Irish Members meant to pursue towards the Government, seeing that they really were determined to carry through this emasculated Bill, which had been rendered utterly worthless, and had better be thrown into the waste-paper basket. It was his belief that the responsibility of this ruinous Amendment rested not with the right hon. Gentleman the Secretary for Ireland, who knew nothing whatever of that country, and who had been pitchforked into his present position for the mere convenience of his party, but that the whole responsibility of this ruinous exception, now insisted upon, rested on the Solicitor General and the Attorney General for Ireland. Those hon. and learned Gentlemen were bound to rise up and say whether they were satisfied with the Bill as it was proposed to be amended, and whether they felt themselves justified in presenting such a measure to their country. Would the House listen while he read a solemn pledge given by the Attorney General for Ireland to his countrymen on the subject? and if, after having read these words, the right hon. and learned Gentleman should rise and say that the provisions of the Bill absolved him from any further relation to that pledge, then he (Mr. Maguire) would say no more upon that question. In a pamphlet published by the hon. and learned Member for Kilkenny, the opinions of several eminent men were given, and among others was a declaration made by the present Attorney General for Ireland. [Mr. Serjeant SHEE.—It was the Solicitor General.] That made it all the stronger. The two hon. and learned Gentlemen might, however, make their choice as to who should be deemed the author of the passage he was now about to quote. It ran thus:—

> "I feel it to be my solemn duty to declare in the presence of this vast and influential assembly, that I shall never be found the supporter of any Government who will not consent to make it a Cabinet question, and give the fullest Ministerial aid and influence to a measure embodying provisions for the real and tangible relief of the outraged and injured land tenantry of this country—a real and permanent relief in its fullest meaning, acceptance, and extent."

Whether those words were used by the present Solicitor General or the late Solicitor General for Ireland was of no great importance; for if it were the present Solicitor General who had made the statement, he knew that the Attorney General had made a much stronger statement. Had he (Mr. Maguire) not a right, then, as an Irish Member, to call upon those hon. and learned Gentlemen to get up and redeem their pledge, or, at least, to state why they wished to back out of it in defiance of the whole country? With regard to the proposed Amendment it was admitted that the tenant might claim compensation for improvements to the amount of four years' rental. Now, suppose the rent were 100*l.* and the landlord evicted the tenant for non-payment of that sum, and the tenant had a claim to the amount of four years' rent for improvements, was the tenant to be robbed, by the mere act of eviction, of 300*l.*? All that he required was, that strict justice should be done, and the House of Commons was bound to consider the question in that light alone, and without reference to the other House of Parliament. He called upon the right hon. and learned Gentleman the Attorney General for Ireland to tell the Committee the reasons which induced him to advise the Government to support an Amendment which would make the Bill itself a dead letter.

MR. KEOGH said, he was not disposed to shrink from any responsibility that might attach to him in reference to the Amendment now under the consideration of the Committee. The proposition of his right hon. Friend was to restore the Bill to the position in which it was when on a former occasion it left that House and went up to the other House of Parliament. In its then shape the exception was not confined to evictions for non-payment of rent, but went further, and said except for non-payment of rent or breach of the conditions of covenant. Now those words were much more extensive than the proposition of his right hon. Friend, and infinitely more prejudicial to the tenant. But did the hon. Gentleman or any other Gentleman divide the House or strike out these words. [An hon. MEMBER: They did.] Certainly not. It was quite true that the hon. Member for Longford proposed that the word "wilful" should be inserted, not before the words "non-payment of rent," but before the word "default." The other Bill was rejected by the other House of Parliament, and did any man believe that the other House of Parliament would agree to leave out all exception whatever when they had already rejected a Bill with a more extended exception? He thought the Government were justified in seeking as they did loyally to carry the Bill this Session through the other House of Parliament, by proposing an exception not going so far as that which was contained in the former Bill, but going sufficiently far to justify a sincere hope on their part that the measure would pass the Legislature.

MR. MAGUIRE said, he wished to explain that, although he had not divided the Committee on the provision referred to by the right hon. and learned Gentleman, he had nevertheless argued against it, and had only yielded from a desire to get a Bill passed which, though imperfect, might still be productive of benefit.

MR. SERJEANT SHEE said, he was of opinion that the right hon. and learned Attorney General for Ireland had made a slight mistake in his statement of what had occurred on a former occasion. When the Bill came before them on a former occasion, it contained the words "without the act or default of the tenant," and believing that by the introduction of those words it was not the intention of the right hon. and learned Gentleman (Mr. Napier) to let that part of the Bill have a practical effect—that was to say, that he meant to give compensation to tenants not in arrear of rent, knowing well that there was not one tenant in a hundred in Ireland who was not in arrear with his rent, and that therefore that part of the Bill threw dust in the eyes of the people, and would be of no practical effect whatever—he (Mr. Serjeant Shee) and his hon. Friends near him did their best to get that defect amended by moving the insertion of the word "wilful." He would state the reasons why in the Bill which he introduced he had omitted those words. The right hon. and learned Member for the University of Dublin (Mr. Napier) had spoken of the propriety of introducing those words, as being consistent with the civil law, but he found from the civil law that a tenant must owe two years' rent, or if he had effected improvements, three years' rent before he could be evicted. Then it was suggested that if those words were not introduced the tenant would improve with the landlord's capital; but that could not be, because tenants did not improve when in arrear of rent. Another reason assigned was that by the law of Ireland a tenant could always avoid the consequences of an ejectment, or even supersede a judgment, by redeeming. But that did not apply, except to tenants under lease. Thus, all the reasons adduced for introducing the words had failed. In ninety-nine cases out of a hundred the tenant did not improve with his landlord's capital, but with his own; therefore, this reason did not apply. He contended that the clause would be good neither for the landlord, the tenant, nor the community at large. A tenant would know perfectly well that if he fell into difficulties, the improvements would be of no value to him, because he was to be evicted at the very moment when he might reap the profit of them. Would it be wise or prudent, therefore, for him to attempt any improvement? Would it not be better for him, if he got or saved 600*l.*, to place it in a bank or invest it otherwise, instead of spending it on improvements? No tenant would do so when he was liable to be evicted by his landlord for arrears of rent without compensation. The object of the Bill, which was to promote improvements, would thus be entirely defeated. Tenants, assuredly would not improve if the Amendment were inserted in the clause. The Bills would be worth nothing at all if they did not aim at something beyond the benefit of the individual landlord and tenant, and tend to promote the welfare of the whole agricultural class—proprietors, tenants, and labourers. The result would be that the same wretched system of cultivation would be continued, and the same miserable hovels for the population to inhabit be maintained, and they would be obliged to resort to potato cultivation, in order to obtain the payment of rent at all. Ireland would then be threatened with a recurrence of the calamities which that system had brought upon her, and they would be obliged again to approach the question under much less favourable circumstances. At present the high prices diffused a feeling of general contentment and satisfaction, but there was no guarantee that this state of things would continue. He thought it greatly to be regretted that, when there existed in all quarters a disposition favourable to the settlement of the question, Government should have arrived at such a decision in reference to the matter before them. His decided conviction was that it would be better not to pass any measure at all than to pass the Bill in a mutilated and mangled shape.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 112; Noes 49: Majority 63.

Mr. Serjeant O'BRIEN said, he would now move to insert in the same clause, after the words "non-payment of rent," the words "reserved by any subsisting lease."

Mr. KEOGH said, he did not see how the Committee could accept the Amendment of the hon. and learned Gentleman after the decision at which it had arrived. It would be rather detrimental to the tenant than otherwise, and might lead to further reservations.

Mr. VINCENT SCULLY said, he should support the Amendment, which would prevent the eviction of tenants by their landlords without compensation.

Question put, "That those words be there inserted."

The Committee *divided*: — Ayes 52; Noes 124: Majority 72.

Mr. VINCENT SCULLY said, he would beg to insert after the same words the following, "where the tenant has a power of alienation."

MR. HORSMAN said, he could not agree to the Amendment, for which he could see no good ground, and the adoption of which might lead to other specific exemptions.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 44; Noes 142: Majority 98.

MR. SERJEANT SHEE said, the clause, as it now stood, declared the tenant entitled to compensation for his improvements if evicted, unless the eviction was for non-payment of rent. He would therefore now move an Amendment to insert, after "non-payment of rent," the words "being not less than two years' rent of such holding." His object was to prevent the tenant from losing his compensation for a default of rent of merely a year or a year and a half.

MR. HORSMAN said, he could not agree to the insertion of these words. The Committee having discussed at considerable length, and decided the principle on which compensation was to be given, he considered it useless to be proposing exceptions of the kind proposed by the Amendment, and fighting the question over again on small points.

MR. M'MAHON said, he should support the Amendment, which he considered essential to place the Irish tenantry on as good a footing as their English brethren. An Irish tenant could now be evicted, where there was not a written contract or lease, for a single year's arrear of rent; whereas, in England a rule of law much more favourable to the tenant prevailed.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 49; Noes 158: Majority 109.

MR. GEORGE said, he would beg to move the insertion after the words "except for non-payment of rent," the words, "or other breach of covenant, or on the surrender of the tenant." This Amendment was to carry out the principle already repeatedly affirmed, that the tenant was only to be entitled to compensation on eviction by the landlord or effluxion of the tenancy by time, provided he fulfilled the obligations of the tenancy. Eviction for non-payment of rent was a penalty for breach of a condition, the tenant having forfeited his lease. There could be no difference between eviction for non-payment of rent and eviction for breach of any other covenant; for instance, a covenant to lay out money, or a covenant against alienation or sub-letting. The landlord was to pay for improvements in the event of his terminating the tenancy by his own voluntary act; but it would be unjust to make him pay when he did not desire to terminate the tenancy, but it was terminated by the act or default of the tenant. Therefore the Amendment included the case of surrender by the tenant.

MR. KEOGH said, he did not see the necessity for the Amendment. There was a distinction between eviction for non-payment of rent and for any other cause. Upon a mere breach of covenant a landlord might take advantage of it to repossess himself of the land, and the act might be strict and technical.

MR. GEORGE said, in the 56th clause the words he proposed were introduced.

MR. GROGAN said, he thought this a decisive answer to the observations of the Attorney General for Ireland. The tenant who surrendered his tenancy surely ought not to have compensation.

MR. KEOGH said, the clause only applied to cases of eviction.

COLONEL DUNNE said, he would admit that cases of surrender were included, but cases of breach of covenant were not so. A breach of covenant in over-cropping or not duly cultivating might be most injurious to the landlord. He had heard of fourteen crops being taken out of the land, and had known of five or six crops; and the difficulties of getting out a tenant in Ireland were such, that he might be able to ruin the land before he could be got rid of.

MR. MALINS said, the Government ought to be consistent. They had conceded that if the tenant were evicted for a pecuniary demand, he should not have compensation; and the principle of the Amendment was, that a breach of covenant might be a pecuniary demand, as by way of penalty or increased rent for wrongful cultivation.

MR. CAIRNS said, his hon. and learned Friend forgot the distinction, that a tenant could not be evicted for mere breach of covenant without special stipulation to that effect. And this clause only applied to cases of eviction. It would have been better to have retained the words of the original Bill—"breaches of condition." The question of mere breach of covenant was quite different. And as to surrender, it could not be at the option of the tenant, but must be accepted by the landlord.

Mr. GEORGE said, he would agree to those suggestions. He would omit the words " as to surrender," and alter the rest of the Amendment by using the words " breach of condition."

Mr. CAIRNS said, he should then vote for the Amendment.

Mr. MALINS said, he had only intended breaches of covenants, or where there was a condition for re-entry.

Mr. J. D. FITZGERALD said, it was provided that in the case of any breach of covenants including non-payment of rent, the landlord was entitled to make such a demand as he might fairly ask as a set-off against the compensation required by the tenant; but when they came to deal with an eviction for breach of condition—a sublet for example — in which the landlord received no damnification, the case was materially altered. The non-payment of rent was essentially a money question, and the tenant could regain possession by paying the rent within six months. There were many breaches of conditions which would occasion no loss to the landlord. It would be hard to make them cases, and it would be extremely difficult to legislate for them. He thought that while on the one hand it would not be right to force a landlord unduly to buy the improvements that were made, so, on the other, it would be hard that, for a breach of condition without damnification to the landlord, the tenant should be forced out of his holding. He must, therefore, oppose the Amendment.

Mr. NAPIER said, he held it to be right in principle that, when a tenant was dispossessed without any default on his part, he was entitled to compensation for his improvements, but that, when he was in fault, he ought not to be made a profiter by his own wrong. On this principle he should support the Amendment.

Mr. SEYMOUR FITZGERALD said, he did not see why the same consequences should not follow any breach of condition that were made to follow non-payment of rent.

Question put, " That those words be there inserted."

The Committee *divided:*—Ayes 123; Noes 117: Majority 6.

Mr. I. BUTT said, that as the clause now stood, an evicted tenant acquired a right of action against the landlord at any time within six years. In order to limit the time, he begged to propose as an Amendment in page 9, line 14, after the words " tenant shall," the words " not later than one month after the determination of his possession."

Mr. HORSMAN said, he would suggest that the period within which evicted tenants might bring actions should be extended to three months.

Amendment proposed to the said proposed Amendment, to leave out " one," and insert " three."

Question put, " That 'one' stand part of the proposed Amendment."

The Committee *divided:* — Ayes 52; Noes 181: Majority 129.

Mr. BLAND said, he would now move to insert at the end of the clause, the words of which he had given notice.

Amendment proposed, to add at the end of the Clause the words—

> " Provided that in case any tenant shall be evicted for non-payment of rent, and shall be sued for any rent in respect of the lands from which he has been so evicted, he shall be at liberty to set off against such claim for rent the amount of the compensation to which he would have been entitled under this Act had his tenancy determined by effluxion of time."

Mr. HORSMAN said, he thought that the Amendment of his hon. Friend was a fair one, and was not inconsistent with the principle of the Bill.

Mr. G. BUTT said, that on the contrary, he looked upon the proviso as in direct violation of the principle of the Bill.

Viscount PALMERSTON said, he was of opinion that the proviso was in perfect accordance, not only with the principle of the Bill, but with principles of justice. When a tenant was evicted for non-payment of rent, he did think the tenant was entitled to set off the compensation due to him against the rent, just as in the other case, the landlord was entitled to set off the arrears of rent against the compensation.

Question put, " That those words be there added."

The Committee *divided:*—Ayes 127; Noes 90: Majority 37.

Clause as amended *agreed to.*

House resumed; Committee report progress.

Mr. GROGAN asked, when the consideration of the Bill would be resumed?

Mr. HORSMAN said, this day, after the other business.

Lord PALMERSTON said, it would not be taken after half-past ten o'clock.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, June 29, 1855.

MINUTES.] PUBLIC BILLS.—3ª Union of Contiguous Benefices in Cities and Towns; National Gallery, &c. (Dublin).

JUDICIAL BUSINESS OF THE HOUSE.

LORD LYNDHURST wished to call the attention of the noble and learned Lord on the woolsack to a matter connected with the administration of justice in that House. Their Lordships were aware that when only two law Lords attended at the hearing of appeals, and they differed in opinion, as a matter of course the decision of the Court below was affirmed. Now, this had happened in two or three instances lately, and there was reason to believe that it had occasioned great dissatisfaction. It was to be hoped, therefore, that his noble and learned Friend would endeavour to apply a remedy to this inconvenience, which might be done by laying down a rule that, where only two law Lords sat, and a difference of opinion arose between them, the case should be adjourned for the attendance of one or more other law Lords. It might be said that the principle followed in that House was the same as that which prevailed in the inferior Courts; but there was this important difference between the two tribunals, that the judgments of the inferior Courts could be appealed against, whereas the decisions of their Lordships' House were final.

THE LORD CHANCELLOR said, it was perfectly true that, on three occasions since he had had the honour of holding the Great Seal, appeals had been heard at their Lordships' bar when only himself and another law Lord were present, and when, after the question had been fully discussed before them, they could not arrive at the same conclusion; the result of which was that, according to the rules of that House, the judgment of the Court below was affirmed. That, however, he did not consider an irrational principle, amounting as it did simply to this—that, where the Court of Appeal was equally divided in opinion the previous decision of the inferior tribunal should not be disturbed. Nevertheless, understanding that satisfaction had not been given in this case, he was anxious and ready to concur in any practical mode of removing just ground of complaint. What had recently happened, however, had not then occurred for the first time, for he recollected that, when the noble and learned Lord (Lord Lyndhurst) himself held the Great Seal, the law Lords had to decide one of the most important questions that could well be conceived; on which occasion three of them were of one opinion, and three of them of another, and the consequence of their being thus equally divided was, that the judgment of the Court below was maintained. Still, an alteration in the rule of the House might be desirable in this respect, although, whether it would be the wisest course to pass a standing order adjourning such appeals until a better attendance of law Lords could be secured, he would not now undertake to say.

LORD BROUGHAM thought this question one of great importance, and also of some difficulty. A remedy for the inconvenience that had been pointed out was clearly necessary, whether that remedy were provided by means of a standing order, or by some other arrangement between the lay Members of that House and the law Lords. The existing rule made the decision of the Court below practically the decision of that House, if there was a difference of opinion between the law Lords, when only two of their number sat; and great dissatisfaction had been created elsewhere by its operation, and particularly in Scotland. The suggestion of his noble and learned Friend (Lord Lyndhurst) might not meet the extreme case where the full number of the law Lords was exhausted without producing a preponderance of opinion on the one side or on the other; but still that was no reason why it could not be adopted in cases of a different character.

THE LORD CHANCELLOR said, it appeared as though his noble and learned Friend inferred that these decisions were come to hastily; but that was not the case as far as he was concerned, for he had always acted after deliberation and conference with his noble and learned Friend from whom he differed.

LORD REDESDALE said, such an arrangement as that proposed could not be made a standing order of the House, because although the House left the decision of appeals to the law Lords, yet as it did not recognise their jurisdiction alone, it was impossible to make such a standing order consistently with the privileges of the House. The best way would be, when the law Lords differed, that no judgment should be given, but an order made that the case should be re-argued when other Peers were present.

LORD RAGLAN AND SIR GEORGE BROWN—QUESTION.

THE EARL OF MALMESBURY said, he wished to put a question to his noble Friend the Minister for War, with respect to a statement in *The Times* of that morning, which had, he believed, created considerable anxiety in the public mind, and which had certainly been to him a subject of great concern. The statement to which he referred was, that Lord Raglan, in consequence of illness, had resigned the command of Her Majesty's forces in the East, and that, as he (the Earl of Malmesbury) understood the article, Sir George Brown also was suffering so much from illness that he could not succeed to the command which Lord Raglan had given up. He begged leave to ask his noble Friend if that statement was well founded?

LORD PANMURE: In answer to the question of my noble Friend, I am happy to be able to state that there has been some error in the statement which appeared in *The Times* of this morning of the resignation of Lord Raglan. No such resignation has been tendered, and I am happy to think that there is no reason for tendering it. It is quite true that Lord Raglan has been suffering of late from a severe attack of diarrhœa, of which the first account reached me the day before yesterday. Last night, however, I received a further account from the Crimea, in which, I am glad to be able to state, Lord Raglan was reported to be going on most favourably; and I therefore see no reason to apprehend that his most valuable services will be lost to his country. With regard to Sir George Brown, I was informed a few days ago that that gallant officer repaired on board the *Royal Albert* for the benefit of his health; but no mention is made of him in the last communication I received from the Crimea, and I am therefore led to conclude that his health was improving. While those officers are on the sick list, and confined to their quarters, the army is under the charge of General Simpson, than whom there could be no better officer, nor one in whom the Government could place more confidence.

Lord Redesdale

THE EARL OF SHAFTESBURY said, he wished to take that opportunity of communicating to their Lordships some information he had just received with respect to the health of the army at the seat of war. He had that morning seen the chief inspector of the Sanitary Commission, who had returned from the Crimea on the preceding day. That gentleman had informed him that nothing could be more satisfactory than the sanitary state of our army in the East. He stated that the medical man and the commanders of regiments had joined heart and soul with the Sanitary Commissioners in promoting, by every possible means, the health of the troops. For that happy state of things they were indebted to the energy and sagacity of his noble Friend at the head of the War Department, who had sent out that Commission, and who had the gratification of knowing that he had, under God, been instrumental in saving thousands of lives. He (the Earl of Shaftesbury) could further state, that the harbour of Balaklava was at present in a very much improved condition. It was constantly cleansed, and, owing to the exertions of Admiral Boxer, the filth which used formerly to accumulate in it was removed to a distance along the coast; so that it no longer gave rise to any effluvia or noxious exhalations. Sources of water had also been discovered near that harbour, and had been found extremely useful. In order to show their Lordships the value of attention to those points, he would just mention the case of the 79th Regiment. That regiment had been encamped upon an unhealthy spot, although few persons were aware that it was unhealthy—and many of the men died. Dr. Sutherland, on his arrival, examined the spot, and finding that it was unhealthy, reported the fact to the proper authorities, by whose directions the encampment of the regiment was removed a distance of 300 or 400 yards; and since that removal had taken place not one man of the 79th had died, and the regiment had become a model for its sanitary arrangements. The Commissioners were still engaged in their labours, and he believed they would do as much as could be done to overcome the natural effects of that climate, which was so unhealthy that the natives themselves were hardly able to resist its pernicious influence.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 29, 1855.

MINUTES.] PUBLIC BILLS.—1° Lunatic Asylums and Regulations Acts Amendment; Chinese Passengers Ships; Ecclesiastical Jurisdiction Continuance.

2° Partnership Amendment; Limited Liability; Endowed Schools (Ireland); Copyhold, &c. Commissions Continuance.

Reported—Duchy of Lancaster Lands.

3° Victoria Government; New South Wales Government; Waste Lands (Australia) Acts Repeal; Indemnity; Haileybury College; Christ Church (Todmorden) Marriages Validity.

THE VIENNA NEGOTIATIONS—QUESTION.

SIR **JOHN WALSH** said, he wished to ask the noble Lord the Secretary of State for the Colonies a question which stood upon the notice paper. He did this in consequence of a statement which had appeared in the circular of Count Buol, who said that he submitted an *ultimatum* for the approval of the noble Lord, with the assurance that such *ultimatum*, would be, if it were approved by the Governments of France and England, transmitted to Russia, and that if it should be then refused by Russia, the refusal would be made by the Austrian Government a *casus belli.* The circular went on to state that the proposition was submitted to the noble Lord, and that it met his entire approval, and that he pledged himself to use all his influence with the Government at home to insure its adoption. He would now beg leave to ask the noble Lord whether that statement was correct?

LORD **JOHN RUSSELL**: I can only say, Sir, that I have read the circular of Count Buol, or the statement of it which is in the newspapers; and it seems to me that all the statements in that circular, so far as I have any knowledge, are perfectly accurate and correct.

AUSTRIA AND THE PRINCIPALITIES—QUESTION.

MR. **H. BAILLIE** said, he begged to ask the First Lord of the Treasury whether any Report had been received by the Government from Mr. Doria relative to the conduct of the Austrian troops in Moldavia and Wallachia, and whether he had any objection to lay the Report upon the table of the House?

VISCOUNT **PALMERSTON** said, that Mr. Doria, who was attached to the Embassy at Constantinople, had been sent upon a temporary employment to Bucharest to act as private secretary to the Consol during the illness of the gentleman who filled that office. During that period Mr. Doria did write to the Ambassador at Constantinople a letter containing an account of several instances of misconduct on the part of the Austrian troops in the Principalities. Through some breach of confidence—for such he must consider it—that letter had appeared in the newspapers. Under those circumstances, although he thought it would be undesirable to give the letter a more official character by presenting it to Parliament, yet, as all the statements it contained had already been published, if the hon. Gentleman moved for it, he did not know that any objection could be made to its production.

LORD **WILLIAM GRAHAM** said, he would take that opportunity of asking the First Lord of the Treasury whether Government had any reason to suppose that Austria had diminished, or intended to diminish, her army by 140,000 men, and, if so, whether Government intended to take any additional measures for filling the ranks of the army and the militia up to the numbers originally voted by Parliament? The part of the question which related to the army had been answered in another place, but no statement had been made with regard to the militia.

VISCOUNT **PALMERSTON** said, that the Austrian Government had informed the Government of this country that, on account of considerations of the health of the reserves of the Austrian army, they were to be allowed to go home on furlough, subject to being compelled to return to their ranks at a week's or a fortnight's notice, and that some of the cantonments of the Austrian army were to be changed also with reference to the health of the troops. No doubt every endeavour would be made not only to raise the numbers of our army to the proper amount, but also to replace the men who have volunteered from the militia into the line, or who have altogether retired.

LORD RAGLAN AND SIR GEORGE BROWN—QUESTION.

LORD **ROBERT GROSVENOR**: I wish, Sir, to put a question to the noble Lord at the head of the Government with respect to a statement in the papers of to-day, which has been seen with great pain by everybody, to the effect that the Commander in Chief of the Forces in the Crimea is so unwell that he has requested to be relieved from his arduous duties; I beg to ask the noble Lord whether that statement is correct?

VISCOUNT PALMERSTON: Sir, the only information Her Majesty's Government have received with respect to the health of Lord Raglan is that he was labouring under a temporary indisposition, which would probably for a week or ten days render it necessary for him not to take any part in the active duties of his command. During that interval General Simpson will take the command, Sir George Brown, who would naturally have taken it, being also unwell on board ship; but Her Majesty's Government have reason to hope that a very few days will restore Lord Raglan to his ordinary health. The last accounts we received were that he was already considerably better.

LAW OF BANKRUPTCY—QUESTION.

MR. HILDYARD said, he begged to ask the hon. and learned Attorney General whether it was the intention of the Government to bring in immediately an Act to repeal or amend so much of the Act 7 and 8 *Geo.* IV., c. 29, *s.* 52, as enacts—

> "That no banker, merchant, broker, factor, attorney, or other agent as aforesaid shall be liable to be convicted by any evidence whatever as an offender against this Act in respect of any act done by him if he shall at any time previously to his being indicted for such offence have disclosed such act on oath in consequence of any compulsory process of any court of law or equity, in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any commissioners of bankrupt."

THE ATTORNEY GENERAL said, this was certainly a matter deserving of the most serious consideration, but it was not the intention of the Government to legislate immediately upon it, for a reason that he would state. The point to which his hon. and learned Friend's inquiry had reference arose out of proceedings which had lately occupied a considerable share of public attention, and a very important and serious question might arise as to the effect of that Statute with reference to the facts which had been disclosed in the course of those proceedings. He thought it would be premature to offer any opinion upon that question, but it might turn out that the impression upon the public mind with respect to it was erroneous. Until the case to which he had alluded was decided, no legislation therefore would take place upon the subject.

LORD DUNDONALD'S INVENTION—QUESTION.

MR. FRENCH said, he wished to ask the right hon. Baronet the First Lord of the Admiralty if the report were true that the second in command of the Baltic fleet —Admiral Seymour—with several of the men, had been wounded by the explosion of the machines sunk by the enemy? And he would take that opportunity of calling the attention of the Government to the letter recently published by Lord Dundonald, in which he offered to strike a blow at the military power of Russia more fatal than the capture of Sebastopol. He begged to ask if the Government were prepared to afford Lord Dundonald any practical means of testing that discovery?

SIR CHARLES WOOD said, the Government had received information that forty-six explosive machines had been taken up in the Baltic, and that by some accident—how it occurred was not stated —Admiral Seymour and other persons were hurt, though not seriously, but that no injury whatever had been done in any other way. The Government were not prepared to carry into execution the scheme proposed by Lord Dundonald.

GOVERNOR GENERAL OF INDIA—QUESTION.

MR. CAYLEY: I rise, Sir, to put a question relative to the appointments to the office of Governor General of India which it was my wish to put yesterday, but, in deference to the noble Lord at the head of the Government, and out of courtesy to him, as I had not given notice of my question, I waived my privilege in accordance with the public convenience. Before I ask the question, may I ask that the Resolution unanimously come to by this House upon the Motion of the hon. Gentleman the Member for Hertfordshire (Sir E. B. Lytton) be read by the Clerk at the table?

The Resolution was then read by Sir DENIS LE MARCHANT, as follows—

> "That this House recommends to the earliest attention of Her Majesty's Ministers the necessity of a careful revision of our various official establishments, with a view to simplify and facilitate the transaction of public business, and, by instituting judicious tests of merit, as well as by removing obstructions to its fair promotion and legitimate rewards, to secure the service of the State the largest available proportion of the energy and intelligence for which the people of this country are distinguished."

I have now, Sir, to ask the noble Lord

whether, in selecting the individual to fill the responsible office of Governor General of India, it is his intention to abide strictly by the spirit of the Resolution lately passed by this House on the Motion of the hon. Member for Hertfordshire (Sir E. B. Lytton), and to sanction the appointment of such an individual only as by his antecedents in the public service, and by his experience and success in analogous positions, would be entitled to public confidence as the best administrator that could be chosen for that most important portion of this great empire?

Viscount PALMERSTON: Sir, my hon. Friend and the House are aware that the selection of a person to fill the important office of Governor General of India is by law vested in the Court of Directors, subject to the approbation of the Crown. The Chairman of the Court of Directors, in accordance with the usual custom, gave me notice on Wednesday of his intention to propose on Wednesday next the name of Lord Canning as successor to Lord Dalhousie upon his retirement from the office of Governor General of India. That selection has received the ready approval and sanction of the Crown, and I am convinced that the choice so made by the Court of Directors, in harmony with Her Majesty's Government, will fulfil the Resolution of the House of Commons, by placing at the head of the Government of India a person fully qualified by his energy and intelligence for the discharge of the important duties confided to him. If I required any additional sanction beyond the opinion which the responsible advisers of the Crown entertain of Lord Canning's capacity, and the qualities which suit him for the discharge of that office, I might mention, what will not be regarded as a breach of confidence, that the Government of Lord Derby had so high an opinion of Lord Canning that they were ready to have confided to him the seals of the Foreign Office.

Mr. H. BAILLIE: I wish to know, Sir, whether I have understood the noble Lord to say that the Chairman of the Court of Directors have submitted the name of Lord Canning to the Government. [Lord Palmerston: He has given us notice.] Was the noble Lord aware whether this had been done without communication with the directors?

Viscount PALMERSTON: I know nothing of what passes between the Chairman and the Court of Directors. All that I know is, that the usual course has been followed, and that the Chairman has given me notice of his intention to propose the name of Lord Canning to the Court of Directors.

Mr. SPEAKER having put the question, that the House at its rising do adjourn to Monday,

Mr. CAYLEY said, I wish now, Sir, that I can do so without infringing the rules of the House, to put another question to the noble Lord. It is the law, no doubt, for the Court of Directors of the East India Company to nominate to this high appointment, the approval of the Crown being subsequently required; but everybody knows that, practically, the approval is given first—that it is the Government who suggest to the Court of Directors, and that it is the Court of Directors who acquiesce in or dissent from the recommendation. The noble Lord said—and I am glad the hon. Member for Inverness-shire (Mr. H. Baillie) asked the question which he did—the noble Lord said, the suggestion that Lord Canning should be appointed came from the Court of Directors. No doubt that may formally be the case; but does the noble Lord mean to say the Court of Directors, without any suggestion, passed a Resolution to nominate an individual whom, until his nomination, no one ever dreamt of or thought of for the office? Does the noble Lord mean to say that Lord Canning, from his antecedents, fulfils the conditions of the Resolution of the hon. Baronet the Member for Hertfordshire? Does the noble Lord mean to say that no communications or suggestions were made from the Government to any Member of the Court of Directors on this subject? I should very much like to know whether the initiative with respect to Lord Canning's nomination did not begin with the Government, and not with the Court of Directors? No doubt Lord Canning is at the best possible age for taking public employment. Those who have long known him entertain a very high opinion of his ability. His collegiate career gave indications of much future promise, and everybody believes he has been a very able administrator in those departments which he has filled. He has filled the office of Chief Commissioner of Woods and Forests, and is now Postmaster General. He may be, for anything I know to the contrary, a Heaven-born administrator for India, but this is not the way we can afford to trifle with the interests of that great country. We must have a man educated to the business which he is about to conduct, and the antecedents of Lord Canning do not show him to be a man accustomed to govern distant provinces of this great empire. It requires a perfectly different capacity to govern India from that which does very well for the Post Office department or the Woods and Forests. In the discussions which took place only two years ago upon the India Bill what were we told? A number of Gentlemen were extremely anxious to obtain the best possible Government for India, and the answer given to them by the head of Her Majesty's Government was, "It is impossible you can govern India from this country; you must have the ablest possible administrator, and trust widely to his wisdom and discretion." Are we, then, to put a man in that situation who has had no experience of this kind? Is there such a poverty of experience in our public men that no other person than Lord Canning can be found to be promoted to the post of Governor General of India? Is there not one man in this country to whom public opinion and public expectation for the last few years have pointed with the utmost unanimity? There is. That man is the Earl of Elgin. No one can deny that the Earl of Elgin is the fittest person to fill this high and important office. What are his antecedents? He has been Governor of Jamaica, he has been Governor of Canada, and he has lately passed a most successful treaty with the United States. He found Jamaica almost in a state of civil war; he left it in a state of tranquillity and peace. He found Canada in a state almost of rebellion; he has left it in a state of loyalty to this kingdom and of love to our gracious Sovereign. He found a stream of population flowing from Canada into the United States; when he left, the stream was turned, and was flowing from the United States into Canada. A Minister of this country is reported to have said, it could not have been expected that any man would effect so favourable and excellent a treaty as was effected by Lord Elgin with the United States. And, Sir, in my opinion, no man but Lord Elgin could have done so. I have also been told that it is the general expectation and wish of the people of India that Lord Elgin should be appointed Governor General. Of course, as to that, I do not speak of my own knowledge; but we can all judge, from his antecedents and from his despatches, of the abilities of Lord Elgin. He is a man educated for such business as the government of India. He is a man of imperial mind, and has reached that time of life when, having obtained all the qualifications suited for practical life, he has physical strength to apply the knowledge he has so gained. Why is such a man passed over, and such a man as Lord Canning appointed? I must say it shows on the part of the noble Lord at the head of the Government no great deference to the general feeling upon the subject of administrative reform, or respect to this House and its Resolution, in which the noble Lord acquiesced. I should like to hear from the noble Lord a more ample explanation of the reasons why the Government have thought Lord Canning's name so pre-eminent for the Governor Generalship of India? I should also like to know whether some suggestions did not pass from the Government to the East India Directors upon the subject of Lord Canning's nomination—whether the Government did not, in fact, take the initiative? And perhaps the noble Lord will explain more fully than he has done how the appointment of Lord Canning to this high and responsible situation fulfils the conditions of the Resolution which has just been read.

VISCOUNT PALMERSTON: I am sure, Sir, my hon. Friend has misunderstood what I said, though I imagined I had expressed myself very clearly. I stated that which is the fact—namely, that the appointment does not, as implied by his question, rest with the Crown—that it rests with the Court of Directors, but that the sanction of the Crown is necessary to give it validity; and consequently the invariable practice is, before the Chairman makes choice of an individual to be recommended to the Court of Directors, there is a full and unreserved communication between him and the Members of the Government for the purpose of avoiding those collisions which have taken place in former times with regard to the selection of Governor General. I need not particularise the cases to which I allude. Undoubtedly, that communication did take place between the Chairman and the Board of Control, and, upon full consideration of the persons whose names were mentioned in reference to the vacant office, it was the opinion of both parties that Lord Canning was the fittest person. When I am asked to explain the reasons, the only reasons I can give are that we had a high opinion of the energy and intelligence of Lord Canning, and in the spirit of the hon. Member's notice (which contains, however, a few words not in the Resolution of the hon. Member for Hertfordshire) that we thought the proofs of ability which he had given in various ways, both in Parliament and in office, were sufficient to justify the selection which had been made. My hon. Friend seems to think a third party ought to enter into this selection; that it should be not only a selection between the Court of Directors and the Crown, but one in which the House of Commons should interfere. That which he has said of Lord Elgin does great credit to the warmth of his personal feelings and to his friendship for that noble Lord. I am the last man in the world to underrate the qualities of Lord Elgin. It is, however, a mistake on the part of my hon. Friend to imagine that when Lord Elgin took the Governorship of Canada, there was a rebellion or any sign of rebellion in that country. The hon. Member confounds Lord Elgin with Lord Metcalfe. Lord Elgin administered that Government exceedingly well, much to his own credit, and he was not the only person thought of as the possible successor to Lord Dalhousie. I can only say Her Majesty's Government are perfectly ready to undertake the responsibility for the share they have had in the appointment of Lord Canning, and I think it would be more consistent with due constitutional principles, if my hon. Friend, instead of advocating Lord Elgin's claims as a candidate in the House of Commons, would get some Friend in the India House to state his views when the nomination comes next Wednesday before the Court of Directors.

BILLETING THE MILITIA (SCOTLAND)—QUESTION.

MR. W. EWART said, he wished to inquire of the hon. Gentleman the Under Secretary for War, what measures were being adopted to remove the complaints made of the oppressive practice of billeting the militia in Scotland?

MR. MACKIE said, he could cite instances which had come within his own knowledge of the hardship and inconvenience to which many families in the towns of Scotland were put, by billeting soldiers upon them, in cases where they had no kind of accommodation for them.

MR. CRAUFURD said, he had, upon the part of his constituents, been for some months past in communication with the War Department upon the subject, and had received various replies from different officials—all, however, very unsatisfactory. At first it was said that the subject was under consideration; then, that it rested with the Ordnance; next, with the Minister for war; and, at last, Lord Panmure declared that instructions had been sent to the officers of militia, which it turned out afterwards had not been sent, and so the nuisance continued. It was a most serious nuisance; as an instance of which he mentioned that a married couple had militiamen sleeping in the same room with them for weeks together.

MR. FREDERICK PEEL said, it might be inferred, from the many communications which had been made to himself on the subject, that the present was not the first time he had heard complaints from Scotland arising out of the inconvenience which the inhabitants of those towns which had been selected as head quarters experienced in consequence of having the militia billeted upon them. But they all knew that, whatever the grievance might be, it was one of those inconveniences which a state of war rendered necessary to be borne, and it was no more in the power of the Government to remove a grievance of that sort than it was for them to obviate any other grievance incident to a war so long as that war continued. No doubt, the matter complained of by the people of those towns in Scotland which had been referred to was a hardship, but he must deny that it was one for which the Government was responsible. The Bill regulating the billeting of the militia in Scotland was only passed last Session. It was by that Bill enacted that the militia should be billeted in Scotland in the same way as were Her Majesty's forces, and that way was according to the custom which prevailed in that country at the time of the Union. All that the Government could do was to apportion the burden as equitably as possible, and to reduce it as far as was practicable, which they had done. The evil was only one-half of what it might be, for the quota of Scotland for the militia was 10,000 men, while the whole number under arms did not exceed 5,000. A considerable number had been placed in barracks, and it was desirable to do the same with regard to all; but the fact was, the barrack accommodation in Scotland was very limited in extent; and, moreover, several of the barracks were occupied by the depôts of Highland regiments which were serving in the Crimea, and those depôts, for recruiting purposes, it was desirable to retain there. Every effort had been made to lodge the militia in barracks, and, he believed, about 2,000 were so accommodated. The remaining 3,000 must be billeted upon the towns, or the Government must either hire buildings or go to the expense of erecting hut accommodation for them. It was true that the Board of Ordnance had been directed to hire suitable buildings, but it was found impossible to do so; and, as to forming encampments in Scotland, as was being done in this country and in Ireland, he thought, until the arrangements respecting the Scotch militia were quite determined on, it would be unwise to incur the expense of several thousand of pounds for each regiment. At the same time, the Government were desirous to lessen the inconvenience complained of, and would use every effort to do so.

EXAMINATIONS FOR THE CIVIL SERVICE—QUESTION.

MR. MONCKTON MILNES said, he wished to put a question, of which he had given notice, namely, what arrangements had been made for the examination of clerks in the civil service by the Commission appointed for that purpose; what notice of such examination was given to each candidate; and what remuneration was proposed to be given for the probationary work performed by the candidates before they were permanently appointed? The House would recollect, that some time ago he had moved for a statement of the various examinations in the different public offices. That paper was laid upon the table of the House, and he shortly afterwards gave a notice of a Motion founded upon it, but was anticipated by the noble Lord at the head of the Government, who appointed a Commission upon that subject. He (Mr. Milnes) had nothing to say against the Commissioners, and congratulated them upon the possession of a secretary who was not only a polished scholar, but also a man of great political wisdom. He, however, felt bound to complain when he found the Commission, without giving any public notice, had proceeded to act in a manner calculated to alarm the functionaries in all public offices, and not at all calculated to lay a good foundation for the important work they had to perform. He had been informed that clerks who had already passed a perfectly satisfactory examination had been since informed that they must undergo a fresh examination. He was certain that it was not the desire of the noble Lord at the head of the Government, or of the right hon. Gentleman the Chancellor of the Exchequer, that any injustice should be done to any one, and therefore he ventured to hope that those persons now engaged in public offices who had already undergone examinations would not be exposed to the possibility of being deprived of their appointments by being called upon to submit to another examination, the nature of which they were totally unacquainted with, and of which no previous warning had been given to them. He hoped, also, that before the Commission established itself permanently, its regulations would be fully and distinctly published throughout the country. It was quite certain that no great scheme of examination would be satisfactory or successful if any ill-will, doubt, or jealousy were created by it. Clerks in public offices were selected from a class of persons whose means were usually limited, and to cause them any unnecessary trouble in preparing for an examination would inflict on them a great injustice. He therefore trusted the Government would impress upon the Commission the necessity of being careful in the preparation of their regulations. If there was to be a central Board in London, and every candidate for every small place in every part of the kingdom was to be required to come up to London at his own expense, to live there some time at his own cost, with the chance of being finally rejected, they would be inflicting a great injustice upon individuals without any corresponding advantage to the community at large. The other part of his question related to non-payment for probationary work. He found that it was the custom to take a clerk for a considerable period —extending from one to three months— and if at the end of that time he was found not to be qualified to remain in the office he was turned off without any remuneration for the work which he had performed. He thought it desirable the attention of the Government should be called to the subject, and therefore begged to put the question of which he had given notice.

THE CHANCELLOR OF THE EXCHEQUER said, as soon as the Commissioners were appointed under the Order in Council, they sent circular letters to all the departments requesting that the particulars of the examination required by each office should be sent to them, as also a list of all persons who had been appointed to offices since the date of the Order in Council. In consequence of that circular, answers were received from the civil departments, and some of the names returned were those of persons who had been appointed to offices since the issue of the Order in Council. It was, therefore, the duty of the Commissioners to take measures for examining into the fitness of those persons; and, accordingly, they communicated with those persons, and asked whether they desired any delay in order to prepare for the examination. No delay, however, was required, and an early day had been appointed for the examination to take place. With respect to the subjects of probation and of salaries, he would remark the Civil Service Commissioners had no control over the periods of probation or over salaries. The ordinary rule was, that a clerk received his salary after his appointment, and he was not aware of any instance having occurred of a clerk actually appointed who did not receive his salary, although he might finally be rejected. The period of probation was merely a period of conditional service, and salary was earned during that period as it was at any subsequent time. He had heard with satisfaction his right hon. Friend's admission of the fitness of the gentlemen appointed as Commissioners, and would only add that, in order to discharge their important functions with success and satisfaction, it was necessary that they should be certain of receiving the support of the House of Commons.

MR. MONCKTON MILNES said, he wished to know whether he was to understand that persons appointed to office since the moment when the Order of Council happened to issue were called upon to undergo a second, or it might be a third, examination at the hands of the Commissioners, although they had undergone an examination which was considered satisfactory in the special departments to which they had been appointed.

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that the Order in Council made no mention of examinations conducted by the heads of departments before the appointment of the Commission. The functions of the Commissioners commenced from the date of the Order in Council, and it was their duty to act upon their instructions, and to examine all persons appointed after the date of the Order in Council.

PARTNERSHIP AMENDMENT BILL.

Order for the Second Reading read.

MR. BOUVERIE, in rising to move the second reading of the Bill, said that, whatever might be the opinion entertained upon the question—whether hon. Members anticipated that the measures he was about to submit to the House would be productive of evil or of the good which he believed would follow from their adoption—no one would deny the importance of those measures as respected the commercial interests of the country. He regretted that he had not had the opportunity, when the Bill was introduced, of stating the reasons which had induced Her Majesty's Government to bring the question before the House. He now proposed to consider the two Bills—the Partnership Amendment and the Limited Liability Bills—together, because, though they related to different branches of the subject, yet those branches were so intimately connected that it was almost impossible to discuss the one without discussing the other in conjunction with it. He proposed to state to the House, with reference to these two measures, what was the present law relating to the subject, what were the objections entertained to it, and what were the remedies which those Bills professed to apply, and the alterations they would introduce. The two Bills were divided, one having regard to private partnership, and the other to Joint-stock Companies. Strictly speaking, a Joint-stock Company was but a partnership; but still there was a substantial distinction between the two. At any rate, the Legislature had treated them as distinct, because private partnerships still rested entirely at Common Law while Joint-stock Companies had been the subject of regulations by Statute. First, with respect to private partnership—lawyers, he believed, defined partnership to exist wherever two or more persons contributed their capital and their labour, or either of them, to a common undertaking, and shared in the profit. The test of a man's being a partner was his sharing in the profits. A man might be entirely unknown to the public, and his name might never have appeared in connection with a certain undertaking, but yet, if he had the remotest share in the profits, the law held him to be a partner, and made him liable as such. There was another rule of law with respect to this question of liability, which it was most material to consider. It was that rule which was held to be absolute that a partner had the power, as the agent of his co-partner, to bind him as if he were acting himself, in all matters concerning their common business. That was a presumption of law which could not be denied. A partner could not say to those who contracted with his copartner, "The person with whom you have contracted is not my agent, and I will repudiate the engagement." A partner was held to be the agent of all those who shared in the profits, and they were all liable to the full extent of their means, for the performance of the engagements he might enter into, in the prosecution of their common concerns. That was really the law, as he understood it, of unlimited liability of partnership in this country, and to that law great and, he believed, in many respects, well-founded objection was entertained. On the 27th of June, last year, the subject was taken into consideration by the House of Commons, and the following Resolution was passed:—

> "That the law of partnership which renders every person who, though not an ostensible partner, shares the profits of a trading concern liable to the whole of its debts, is unsatisfactory, and should be so far modified as to permit persons to contribute to the capital of such concerns on terms of sharing their profits, without incurring liability beyond a limited amount; and such modification is especially necessary in Ireland, regard being had to the peculiar social and industrial condition of that part of the United Kingdom."

The objection entertained to the present law was simply—that it was practically a prohibition of a large class of perfectly legitimate, innocent, useful, and profitable undertakings, which, but for the existence of the present law would be prosecuted with advantage to the parties concerned and to the public, but which, in consequence of the state of the law, were altogether prevented from being entered into. It absolutely annihilated many useful enterprises which would otherwise be undertaken, and, with the permission of the House, he would point out two or three instances in which it operated in that way. He thought he might lay down at the outset, as a general rule, that it was inconsistent with the present notions of commercial legislation that a large class of mercantile transactions was to be prohibited, merely because some of them might be tainted with fraud; and that an endeavour ought not to be made to prevent what everybody admitted to be an evil—namely, fraud—by a rule, which would apply to fair and legitimate transactions, indiscriminately with fraudulent transactions, and which would have the effect of preventing altogether a large class of business engagements, which were perfectly just and reasonable. He would give a few examples of the working of the law. He would first take the case of a partner in a commercial undertaking who had been engaged for years in a certain business, and who, for reasons of which he was the best judge, was desirous of leaving it. Such a person would be perfectly well acquainted with the character of the men with whom he had been associated, with their aptitude for business, their probity, their application, and their fitness for carrying on the undertaking. What, then, would be the most natural thing for a man so situated to do? Would he take all his money out of the concern, and bid adieu to the business for ever? Certainly not. No one, unless his notions had been perverted by the present practice with regard to the subject, would say that that was the most natural course for a man to take under such circumstances. On the contrary, the most natural thing for him to do—and it would be perfectly legitimate if the law did not interfere in the matter—would be to leave a large portion of his money in the hands of those in whom he had confidence, merely saying "Give me my share of the profits, and you shall have the use of my money, and the sole management and direction of the concern." Such a transaction could not possibly take place at present, unless the partner so retiring was willing to risk all the money he had made in the business, and to continue liable to the fullest extent of his means for the acts and engagements of his partners. Well, then, take another case—the case of a man who died after having been engaged in business for some years in partnership, and left a family not arrived at an age when they could be taken into the business. The most natural course to follow in such a case would be for the existing partners to take into partnership the family of the deceased partner, in order that the business might be kept alive for the benefit of all parties, and that any advantage to be derived from it might be equally derived by the remaining partners, and by the widow and children of the deceased partner. Now, what did the law say in such a case? In a case that had actually occurred, which was to be found in the Law

Reports, and which would be well known to many hon. Members, the executors of a deceased partner continued his share of the partnership property in trade, for the benefit of his infant daughter. They were held partners, although their names were not added to the firm, but the trade was carried on by the other partners under the same firm as before, and the executors took no part of the profit themselves, but carried them to the account of the infant. In this case the executors were taken to be partners in the concern, and the result was the entire prohibition of that class of transactions, because executors in future would take care not to expose themselves to liability in the matter. In point of fact, the law amounted to the direct imposition of a criminal penalty, extending to the whole of the means possessed by a person to prevent his entering into a transaction of that description. But there were other cases that were dealt with in a similar manner. Take the case of a man who was a sole trader, who was not in partnership at all, and who wished to give up the business to a man who had been brought up in it all his life, and who was thoroughly qualified to undertake the management of it. The man, who wished to retire, would be perfectly willing to allow a large portion of his money to remain in a concern, which he knew to be thriving and profitable, on the condition that he received a share of the profits, in lieu of obtaining interest for his money from other sources. No one could say that such a transaction was fraudulent in any respect, and yet it could not be carried out, in the present state of the law. Then, again, there was the case of inventors. It was well known that inventors, as a body, were generally men of small means, for the inventive capacity did not usually appear to accompany great wealth. All the great inventors of the country—Watt, Arkwright, and others—were poor men. Almost the only exception he could call to mind was Mr. Howard, who introduced the great improvement of the vacuum pan in the making of sugar. An invention was essentially a novelty, and until it was tried nobody could say whether it would be advantageous or otherwise. The law, however, said, that no one should assist an inventor in the way in which he might be best assisted—namely, by advancing him money to bring his invention into notoriety, unless he was willing to become a partner, and to render himself liable to the whole extent of his fortune for the engagements entered into by the inventor. Instead of discouraging the bringing out of inventions, as the present law did in point of fact, the House would see at once that it was their duty to endeavour, by every means in their power, to encourage inventors. Perhaps the notions of an inventor as to what might be of public utility might be wrong, but his great object was to introduce something that would be of advantage to the public, either as an entire novelty or as an improvement upon something in existence. It was that very class of inventions which were most likely to succeed, that the law interfered to prevent being introduced. The inventor himself was not always the best judge of the utility of his invention, but when a man of capital was found ready to aid him with money in bringing it out, there was an additional security that the invention would be useful, in the fact that another mind, both disinterested and capable of judging whether it would be profitable or not, had been brought to bear upon it. Thus it would be seen that the law operated most injuriously in those cases which were most likely to be of advantage to the public. He had now mentioned to the House three classes of cases on which the law operated in an objectionable manner, and, in reference to one of those classes—the death of a partner—he would read to the House the evidence of one of the witnesses examined before the Mercantile Law Commission in 1854. The gentleman in question, Mr. Hollams, after referring to certain cases, proceeded to state—

> "It must not be supposed that these are merely imaginary cases. There is little doubt that any solicitor engaged for mercantile clients could readily call to mind many instances in which valuable businesses have been closed and lost upon the grounds stated. At all events, numerous cases of this nature are fresh in my memory, and so apparent has been the evil that in several instances within my own experience it has been determined to disregard the prudent directions of the testator, and to run the hazards of continuing rather than closing a business calculated to produce present income to the widow and young family, and future provision for the latter upon their attaining a competent age."

Now these were specimens of a large class of legitimate, reasonable, and profitable transactions which our law in its present shape practically prohibited. If there were a sound reason for the continuance of that law, they might be content to bear the burden with the benefit, whatever that might be, but, when they knew that in all other great commercial countries the law was entirely different and permitted this class of transactions with the greatest advantage to the public, he could not see on what ground it could be urged that the change he sought to introduce would be attended, as was urged, with frightful and irremediable consequences. Before he referred to the French law on the subject now under consideration, he would read to the House the opinion of a gentleman of great authority upon matters of this kind, and who, although not an Englishman, was one who regarded this particular branch of the law with the eye of a philosopher. M. J. B. Say, the eminent French economist, expressed these opinions—

> " It is difficult to understand why the jurisprudence and manners of the English do not allow of *commandite* partnerships. Among them, every partner who has the very least interest in a concern pledges all his means and his person to the creditors of that concern. They appear to think that whoever shares the lucky chances of an undertaking, whatever they are, ought to share its losses, whatever they are. How does it happen they do not see that he who has no right to manage an undertaking should be permitted to fix a limit to the losses it may cause him—for this reason, that it does not depend on him to put a stop to them by his prudence? The English law seeks to increase the security to the creditor; it really diminishes it; for a sum advanced *en commandite*, always known to the creditors, is an addition to the value of the funds furnished by the undertaker. If the *commandite* partner was a simple lender, he would diminish the security of the creditors by sharing with them the assets of the concern."

He thought this was a very clear and able statement of the disadvantage of the English law as compared with the French law of *commandite.* The French law, as hon. Gentlemen who had given their attention to the subject were aware, was not of recent enactment, but had existed for nearly 200 years. The 23rd Article of the *Code de Commerce* declared that—

> " Partnership in *commandite* is a contract between one or more partners, responsible for themselves and each other, and one or more partners, simply depositors of capital, who are called *commanditaires*, or partners in *commandite.*"

In the same code, title 26, it was stated—

> " The *commanditaire* is not liable for losses beyond the extent of the funds which he has put or ought to have put into the partnership."

This was the foundation of the French law of *commandite*, and it was well known to those who were familiar with the French practice that this species of partnerships was very frequently adopted. He found from the last official return he had been able to obtain of the various kinds of partnerships registered in France for the year 1852, that the number of common partnerships entered into that year was 2,154, and of *commandite* partnerships 452, or about 20 per cent upon the common partnerships. That fact, he thought, afforded conclusive proof that persons who were engaged in commerce in France felt the advantage of entering into that description of partnerships. If any further evidence were, however, required on the point, he would refer to the statement of a gentleman named Levinger, made at the time when Mr. Bellenden Ker was prosecuting his inquiries on the subject some twenty years ago. Mr. Levinger wrote—

> " I have myself been a traveller twelve years for one of the first houses in Basle, in Switzerland; we had a sugar refinery on Swiss ground, and, being on the frontier of France, we found it advantageous, under Napoleon, to establish one also on French ground, about twenty miles from our city; our house did not like to run the sole risk, therefore a *commandite* was established for two active young men, formerly clerks, and well known in the city; a large capital was immediately subscribed and paid down, and it was advertised in the Basle *Gazette* that so many, perhaps a dozen gentlemen, had subscribed and paid down 500,000 francs as a capital, for which they were to receive 5 per cent interest, and a half-share or two-thirds share of the profit, and the two *gerants* or managing partners to have the sole management and sole 'signating.' The concern prospers to this day; and there is a striking case in one general way, which is the city of Mulhausen, on French ground, in the department of Haut and Bas Rhin, which is now a second Manchester, which would not have have risen to one-tenth of the importance and riches it possesses now were it not for these *commandites ;* all the capital they traded with these thirty years, to my knowledge, was lent by Swiss houses of Basle, Zurich, &c., to these French borderers, and has returned more than 100 per cent; in fact, it is become a city of palaces, and now though so much inland, buys the raw materials at Liverpool and Manchester, manufactures, at the utmost north-eastern part of France, printed cotton, and sends it back to England."

That, he thought, was a satisfactory instance of the successful mode in which that class of partnerships had worked among their French neighbours. He could quote other testimonies to the successful working of that law in France, but he was unwilling to trespass on the time of the House. The same law had been adopted in America, and Chancellor Kent, the great American lawyer, stated in his *Commentaris* that this was the only instance in which the people of New York had departed, in any material respect, from the English law. For the last thirty years, however, the law of limited partnership had been in operation in New York, and a similar law, differing in some comparatively immaterial respects from the French law, but substantially founded upon it, had existed in Massachusetts for a somewhat shorter period. The testimony with regard to the working of the law in the United States was equally strong and clear with that with respect to its operation in France. Mr. Minturn, one of the first merchants in New York, and a gentleman with whom he was personally acquainted, said that these limited partnerships commanded as much credit and confidence as any ordinary partnerships. Mr. Curtis, of Massachusetts, a legal gentleman of eminence, expressed his opinion that the system of limited responsibility presented as many advantages to all parties as any within his knowledge. A gentleman of Boston said, that from his experience he was entirely in favour of the system of limited partnership, as one which was of great utility to individuals, without any harm to creditors. He (Mr. Bouverie) would not multiply evidence upon this subject, but he thought he might fairly state that all the testimony received from countries where the law of limited liability was in operation was, almost without exception, unanimously in its favour. Having shown, then, that foreign experience proved the advantages of the law, he thought it was not an unreasonable proposal to ask the British Parliament to adopt a similar principle in their commercial law. The Bill for amending the law of partnership which he had submitted to the House was a very short one, and provided that when persons lent money to others engaged in business, on condition of receiving a sum varying according to the amount of profits, either in lieu of or in addition to any interest on account of such loan, the lenders should not be deemed to be partners with the persons borrowing such money. The Bill contained provisions with respect to the registration of loans, and practically its effect would be to introduce a state of the law very analogous to the French law of *commandite,* and to the law of special and limited partnership existing in the United States. There was one objection to such a change of the law which was very much dwelt upon, and that was, that the whole of the cases to which he had adverted, and all the evils attendant upon the present system, might be met by resorting to loans at fixed rates of interest; that a retiring partner, for example, might, if he chose, leave his money in the concern to which he had belonged, and receive a fixed rate of interest; and that a man who wished to assist an inventor might lend him money in the same way. He denied, however, that loans at a fixed rate of interest could ever come in as a substitute for the class of transactions proposed to be allowed under his Bill. In the first place, a trader, if he was a prudent man, would never be willing to lend his money at a very high fixed rate of interest, while, on the other hand, a borrower, if a prudent man, would not be willing to stipulate to pay a high fixed rate of interest. It was a very different thing for one person to say to another, "Place so much money in my business, and you shall be paid in proportion to the profits; or, if no profits are made, you and I will share the burden together;" and to say, "I will borrow a sum of money from you, and pay for it a high fixed rate of interest, whether my business yields me any profit or not." It was, in point of fact, the possibility and the legality of such loans being made at a high fixed rate of interest that called for the change which he now proposed to make. So long as the usury laws were in force no one could lend money at a high rate of interest; or, if he attempted to do so by a contrivance of some sort or other, as by an annuity, he was met with this dilemma, that either he was receiving a usurious rate of interest — which was illegal, and the contract void— he would not say, as Lord Mansfield did, that he was guilty of a crime—or that he was a partner, and liable to the extent of his whole means. But the law now allowed loans at a high rate of interest, while it prohibited those the returns of which varied with the profits of a business. It seemed to be a most unreasonable thing to permit the more usurious and prohibit the less usurious bargain in such cases. How were creditors treated in such cases? Suppose a trader, who had not sufficient capital to carry on his business, borrowed two large sums of money—one at a fixed rate of 15 or 20 per cent., and the other at rates varying with his profits—and became a bankrupt. The two gentlemen who lent him the money would meet him in the Bankruptcy Court, when the one who had lent at a fixed rate of interest would be accosted by the Bankruptcy Judge in some such terms as these:

—"You are the cause of this man's breaking down; you have sweated the concern for your own advantage, for all the profits of the business have been swallowed up by your usurious bargain: you are an extortioner and an usurer—but I must allow you to claim on the bankrupt's estate, and to share with the other creditors. But, in the case of the man who lent his money, taking his chance as to loss or profit in the business, according as it paid or not, the Judge would say:—"You made a fair bargain—nothing seems more reasonable than your arrangement with the bankrupt—but I must tell you that by law you are a partner; you are not a creditor, and you cannot share in the estate; on the contrary, I hold you liable to the whole extent of your means." Nothing could be more contradictory or unjust than that these two persons should be treated in such a different way; but that was nevertheless the effect of the law as it now stood. This change of the law, then, must follow, he contended, as a necessary consequence of the recent repeal of the usury laws. He could not help thinking that the change would be productive of considerable social advantages to the country. The origin of the law could be traced to the unwillingness of noble families in the Italian States to have it known that they were engaged in trade, and who intrusted their money to large mercantile houses for trading purposes; and he anticipated that in the course of some little time the gentry of England would not be indisposed, if the risk now attached to it were diminished, to advance money, in the same way, to carry on trade. One of the evils that afflicted the country was the want of occupation for the gentry class, and this was one source of the outcry for administrative reform, for the sons of the gentry crowded into the professions and public employments, while there was a gulf between the gentry and the trading class. He thought that if the former were encouraged to invest a portion of their means in trade, with a view of providing an occupation and a livelihood for some of their children in business, it would be found in the long run of considerable social advantage, not only to themselves, but also to the country. So much for the law of partnership. He would now come to the question of Joint-stock Companies. He had already stated, that there was more than a technical distinction between Joint-stock Companies and private partnerships. The shares in a Company were transferable at the will of the holder, in a partnership it was otherwise. A Joint-stock Company was a partnership with a large number of members, ordinarily carried on under a deed of settlement, by a body of chosen directors, the shareholders having no voice in the management of the Company except at stated meetings. The bond of union in Joint-stock Companies was different from that which existed in private partnerships. In the latter the bond of union was personal knowledge and mutual confidence, so much so that a partnership ceased by the death or the bankruptcy of one of its members, but in a Joint-stock Company there was nothing of the kind; a man might be a partner to-day and not tomorrow, and there was no mutual personal knowledge of the members composing it. The measure before the House exempted from its operation Banks and Insurance Companies. With reference to Banks, there were obvious general reasons why they should not be included in the operation of the Bill. They were regulated by a totally different statute, and had always been treated on a different footing from other branches of trading, and the public always regarded them in a different light. With respect to Insurance Companies, one chief reason for not including them was that in the contracts they entered into they took care to limit the liability of their shareholders to the funds of the association; but there was another reason, as expressed by the Select Committee on Assurance Associations in 1853. They reported to the House that "the business of such Companies differed so much from ordinary business that it was advisable to repeal all the provisions of the Joint-stock Companies Act so far as they related to Assurance Societies, and to deal with them in a separate Act." By the Act for the regulation of Joint-stock Companies, 7 & 8 *Vict.* c. 110, there was a definition given of what a Joint-Stock Company was. Under that Act a large number of Joint-stock Companies had been formed. Since 1844, when the Act passed, no less than 914 Joint-Stock Companies had been completely registered for a variety of objects, and the list afforded some indication of the reasonable course taken by the public in directing their efforts to that class of associations in respect to which Joint-Stock Companies were likely to be most advantageous. The following was a classification of the completely registered

Companies, according to their respective businesses—

> "Total number completely registered to March 31, 1855 (still in existence, 723), 914; of which are—Assurance Companies, 198; Railway Companies, eighteen; Gas Companies, 234; Companies for all other public works, forty; Mining Companies (including gold, copper, lead, and coal mining, and stone and slate quarrying and smelting companies), ninety-nine; Companies for conducting manufactures, working patent inventions, &c., seventy-four; Shipping and Steam Navigation Companies, forty-three; Trading Companies, fourteen; Companies for the use and occupation of land, building, loan and investment, aiding emigration, and for improving the dwellings of the poorer classes, fifty-eight; Companies for establishing buildings of a public character, seventy-eight; Conveyance Company, other than railway, seven; and miscellaneous Companies, not reducible under any of the foregoing heads, fifty-one."

That list showed that the Act had not been inoperative; but that, on the contrary, a large number of Joint-Stock Companies had come into existence under it. Now, the result of complete registration was, that the Joint-Stock Company was for many purposes incorporated, and could sue and be sued against through a public officer; it could hold land, and had other characteristics of a corporation; but with respect to the grand characteristic of a corporation — namely, the limited liability of the shareholders—there was an express provision in the Act that the shareholders should be liable for the debts of the Company, and should continue liable for three years after they had ceased to be shareholders. That provision of the law with respect to Joint-stock Companies was a subject of complaint. It was alleged, and, he thought, with justice, that the law was injurious to the Companies which were already formed, and that it deterred men of prudence and capital from embarking in such concerns. The law by its existence admitted that, for certain purposes, Joint-stock Companies were reasonable and proper associations; and yet the law was such as to deter from entering into them that very class of persons who of all others it was most desirable should join them—namely, men with large means and with the judgment enabling them to know what they were about, and who were, therefore, the most likely to carry the undertaking to a successful result. Not only was it an objection that prudent and wealthy men were deterred from entering into Joint-stock Companies by this law of unlimited liability, but it was also an objection that, in consequence of that law, the reckless, thoughtless, and extravagant were the parties into whose hands the concerns of those Companies too often fell. The law of unlimited liability, while having that effect, likewise gave to those concerns a very factitious and unjust credit. The foundation of the credit of Joint-stock Companies should be the mode in which the business was conducted and the objects for which the Companies were carried on, and if the attention of the public were diverted from that true indication of credit to a false indication of credit—namely, the whole fortune of the shareholders massed together—the public were tempted to give, and were found in practice to give, to the Companies an unfair and undue amount of credit. The injurious effect of the law of unlimited liability was not only felt by the Companies already in existence, but the law also operated in entirely preventing the formation of other Companies. There were a number of concerns which required for their success the association of persons of large means, experience, and judgment, and if such persons did not join them the undertakings fell to the ground. Mr. Baker, a London solicitor, stated—

> "I have seen so many instances where the inability to constitute a partnership with limited liability has prevented the carrying out of really *bonâ fide* and beneficial undertakings that I am quite convinced the present law is not merely theoretically but practically an incubus on general commercial enterprise. You cannot induce a merchant of good standing in the city to enter into a joint-stock trading partnership, because he fears the unlimited responsibility. The first question put to a solicitor of a Joint-stock Company by the best men proposed as directors invariably relates to the extent of their liability, and when they are told it is unlimited they withdraw. But these same men are at the same time quite convinced of the soundness of the undertaking, and disposed to embark in it considerable sums. They are the very men of all others whose prudence and judgment would be invaluable in conducting such adventures, and they are wholly debarred from joining them by the existing law."

What was the practical effect of prohibiting, by the operation of the law, the formation of this class of Joint-stock Companies in this country? The consequence was that the persons who were determined to have them would still have recourse to such associations if the inducement was sufficiently tempting; but, instead of establishing Joint-stock Companies in England, they went abroad and, forming Companies there, carried on the business at home. So, while professing to be foreign Companies, they were really English Companies, subjecting themselves to all the other inconveniences of being domiciled abroad, in order to have the advantage of limited liability. Upon this point he would again quote the evidence of Mr. Baker. That gentleman said—

> "So great is the demand for limited liability that Companies are frequently constituted in Paris and the United States in order that they may obtain the security which in this respect the laws of those countries afford. When these Companies are formed in Paris, they pay a heavy duty to the French Government. The duty assessed upon one Company of which my firm were the solicitors amounted to 750*l*. In that instance we made a composition with the French Government by which an annual sum was paid instead; but we should have paid the larger sum without hesitation as the purchase-money of the law of partnership *en commandite*, if the Government had made it a *sine quâ non*. Besides this duty upon the capital, there are Customs' duties paid to the French Government on the importation of the shares to be stamped in Paris, stamp duties on the *acte sociale* constituting the company, the hire of offices in France, and the salary of a *gerant* there, who gives a power of attorney to some one in England, and himself does nothing but live in the offices and receive any communications from the Government. All this expense is incurred simply to get the benefit of the French law of limited liability, and it amounts generally to 400*l*. or 500*l*. a year. I have reason to believe that one Company's expense incurred in Paris to obtain the benefit of this law amounted to nearly 4,000*l*. I am within the mark in saying that during the last two years at least twenty Companies have been formed in France solely for the same purpose. They are, in truth, English Companies, both as to capital and directors, and all this expenditure is just so much money taken from this country and paid to France as a consideration for the use of her laws. If the present Commission does not lead to an alteration in the law, the Companies formed in France and the United States will become more numerous and soon monopolise the whole, at least unless the Joint-stock Registration Act be very considerably altered. There are many undertakings awaiting the decision before they decide on their constitution. I have two in my own office at the present moment for working patents in England, which will be made French Companies if the English law remains unaltered."

No statement could be more clear and convincing as to the futility of attempting, at the present time, to keep capital from engaging in those undertakings which really were tempting and advantageous to it. Thus, it was quite clear that those engaged in Joint-stock Companies desired limited liability. All men must desire, on embarking in a Joint-stock Company, that their liability for the acts of the directors should be limited to the amount they staked in the concern. Joint-stock Companies, he repeated, differed from private Companies, inasmuch as there did not exist in the one as in the other the same mutual knowledge and confidence among the partners, and in a Joint-stock Company although at a given time a shareholder might have the fullest confidence in the directors, yet the next day a new set might be put in, of whom the shareholder, who would be bound to the extent of his whole fortune by their acts, knew nothing. The advantages of Joint-stock Companies were admitted by the Registration Act, to which he had previously referred, and the number of Companies with the privilege of limited liability conferred on them specially by Parliament was an admission also of the advantage of that system. The following was a list of the Companies incorporated with limited liability by private Act of Parliament during the last five years:—Railways, seventy-six; harbours, piers, docks, bridges and canals, eleven; gas, ten; water, twenty-two; miscellaneous, seventeen; total, 136. Now, he would ask what was the reason on which they justified the concession of this special privilege of limited liability in these cases? It was, because such undertakings were a public advantage, and also because they could not be carried on unless limited liability was granted. But that was not so, for he would undertake to show that with regard to many of these cases in which they granted limited liability, that there was no peculiar necessity for it, because they belonged to the very same class of concerns as those which, having no private Act, were left to the law of unlimited liability. What distinction could be drawn between those Gas Companies which came to the House for a Private Act, and those which were in operation under the Joint-stock Companies Act? There was no distinction between the two cases, and the rule that was pursued was really one of a most arbitrary description. He might also state that this matter practically rested with those who conducted the private business of the two Houses; for, if the Chairman of Ways and Means in the one, and the Chairman of Committees in the other House were to agree that the rule should be that every Company which came for a Private Bill should be granted limited liability, then the House of Commons and Parliament would find that this great change would be effected without their having a voice in the matter. Not only were these privileges granted by Parliament, but the Board of Trade, by the 7 *Will.* IV. and the 1 *Vict.*, chap. 73—the Letters Patent Act—had the power of determining the liability of shareholders. He found that from the time of the passing of those Acts, 204 applications had been made to the Board of Trade for public charters, and that 113 of them were granted. Why was such a power granted to the Board of Trade? They affected to lay down a rule, and said that they would not give a charter with limited liability unless the undertaking was advantageous to the public, or, from the extent of capital required, and other circumstances, could not be accomplished by private enterprise. But how could the Board of Trade determine such cases, or arrive at a sound conclusion with respect to them? By leaving the decision of these cases with the Board of Trade, Parliament cast upon it a duty which it was not competent to perform. The true test as to whether these undertakings were of public advantage was their success or non-success. If it was right to grant these privileges in the cases to which he had alluded, it was also right to grant them generally, and they ought not to draw the distinctions which they did, or intrust so odious a power to the Board of Trade as to allow limited liability to be granted or not, according to the caprice of those who happened to be at the head of the department. He had no doubt that those privileges ought to be granted generally; for, supposing those parties who argued against Joint-stock Companies had had their own way, or that Parliament had never granted limited liability, or that the Board of Trade had not been intrusted with the power, or had refused in all cases to grant it, what would have become of those vast works which were the glory and the honour of the present time? What would have become of the 285,000,000*l.* advanced on railways—of the enormous sum contributed for the completion of docks—or of the immense sums expended on canals? All these works had arisen under the advantageous system of limited liability, and who could say, if the system was more generally extended, and the present restrictions removed, what further advantages might not accrue to the country from this system? He believed that they ought to grant that privilege generally; and all they had to do was to take care, that those who trusted the various Companies should not turn round upon them and say that they had been deceived, with reference to the contracts which were undertaken. If they effected that they would make a very great improvement in the present state of the law. The principle of limited liability was at present in existence with regard to one class of useful enterprises—he alluded to the mines of Devonshire and Cornwall. It had been decided in the Courts of Common Law that the directors of those Mining Companies had not the power of binding the shareholders by the engagements which were made for the Company. The proposal which he had laid before the House was simply that such Companies as chose to carry on concerns on that basis, and to give notice to the public that they did so, should be allowed to trade under limited liability. Many objections had been raised to the proposed plan. It was alleged that it would encourage fraud, and an hon. Friend had told him that the present Bill was a Bill for promoting swindling. He thought that a great deal of misapprehension existed in the public mind with reference to fraud. One of the great objects of the law was to prevent fraud in the dealings between man and man; but it was the duty of the Legislature to prevent fraud, not by prohibiting a class of transactions, many of which were honest and advantageous to the public and the parties concerned, but by taking care that fraud, wherever it existed, should be detected and punished. The misapprehension that existed with regard to the extent of fraud committed was owing to this—that the cases of fraud were those which came prominently before the public, who did not take into account the enormous mass of fair and honest transactions that took place in the ordinary business of life, and of which they never heard. If they argued the question on the ground whether limited or unlimited liability was most likely to lead to fraud, he could but observe that a great number of cases of fraud which arose were in those Companies which were conducted on the principle of unlimited liability, and he thought that it would be quite as fair to argue from the unfortunate case which had lately occurred in the City and other similar cases, that the Legislature ought to put a stop to those transactions conducted on the unlimited liability principle, as it would be to say, that, because cases of fraud arose where limited liability was granted, that that system ought not to be permitted. Another objection raised against Joint-stock Companies was that they encouraged speculation. Now the word speculation had two very different meanings, according to the sense in which it was used. In one sense in meant that spirit of enterprise and progress which had made the people of this country what they now were: but in its bad sense it meant rash and imprudent undertakings, which ought never to have been commenced, or which had been improperly carried out. He did not think it was his duty as a legislator to prevent imprudence in commercial undertakings. The real preventive against imprudence was the loss which it entailed on the imprudent man; no security against it was so great as the punishment which the imprudent man brought on himself by committing it. It was almost impossible to say beforehand whether any particular scheme was rash or not, for an imprudent undertaking, when conducted by a person who had a great genius for business, might be brought to a successful result, while, on the other hand, an apparently prudent undertaking might be so improperly conducted as to end in failure. But at the bottom of all these arguments as to the prevention of fraud and speculation, was the notion that people ought to be protected from the consequences of their own conduct, that shareholders and creditors of Joint-stock Companies ought to be protected from their own imprudence in having joined in and given credit to unsuccessful undertakings. He thought that the best mode of securing the interests of shareholders and creditors, was to call on them to protect themselves, for that he believed, in the long run, would be found to be the most effective means of protection. Joint-stock Companies were not the causes, but merely the symptoms of speculation, they were the results of those accumulations of capital which occasionally took place here as in other countries. Numbers of Joint-stock Companies had, no doubt, been established at all the great eras of speculation. In 1824–25 an enormous amount of speculation took place. The number of schemes started at that time was 160, and 160,000,000*l.* of capital was proposed to be raised. The amount actually raised was 27,417,900*l.*, almost the whole of which was lost. In 1836 there were 300 Companies established, which proposed to raise a capital of 135,000,000*l.* Then there was the great railway mania of 1845–6. He believed, however, that if there had not been the opportunity of speculation in those joint-stock schemes, the disposition to gamble would have found vent in other directions, and that those schemes were not, therefore, the causes, but the consequences, of speculation. But if they had a tendency to favour speculation, now, when there was so little disposition to enter into speculation, was the time of all others, when a measure of the nature of the Bill he had introduced could be safely passed. There was only one other argument against the proposed change to which he desired to call attention, and that argument was only important in consequence of its having been put forward by the Commissioners, who, in their Report—which, with all due respect to them, he thought was a very meagre and unsatisfactory one, said—

> "Further, it appears to your Majesty's Commissioners that the benefit to be acquired by the managing or limited partners will be at the expense of a more than countervailing amount of injury to traders bearing the burden of unlimited liability, who will have to enter into competition with those who enjoy the protection to be given by the proposed law."

He altogether denied the inference here drawn by the Commissioners. If the public could be served cheaper and better by such an arrangement with regard to limited liability as was now proposed, that arrangement ought to be made, and those who carried on undertakings upon the principle of unlimited liability could have no vested interest in a bad state of the law on account of the injury that would be inflicted on them by a change in the law. But whether the competition to which the Commissioners referred would succeed or not, still remained to be seen. In a large class of trading transactions private traders were sure to succeed against Joint-stock Companies, from the greater facility with which they could arrive at decisions and take advantage of any turn in the market. That great master of economical science, Adam Smith, in considering that question, observed—

> "Without a monopoly, however, a Joint-stock Company, it would appear from experience, cannot long carry on any branch of foreign trade. To buy in one market, in order to sell with profit in another when there are many competitors in both, to watch over, not only the occasional variations in the demand, but the much greater and more frequent variations in the competition or in the supply which that demand is likely to get from other people, and to suit with dexterity and judgment both the quantity and quality of each assortment of goods to all these circumstances, is a species of warfare of which the operations are continually changing, and which can scarce ever be conducted successfully without such an unremitting exertion of vigilance and attention as cannot long be expected from the directors of a Joint-stock Company. The only trades which it seems possible for a Joint-stock Company to carry on successfully, without an exclusive privilege, are those of which all the operations are capable

of being reduced to what is called a routine, or to such an uniformity of method as admits of little or no variation."

He believed that the change he proposed would prove the wisdom of Adam Smith's doctrine, and would show that in ordinary trading undertakings Joint-stock Companies could not compete with private traders, although there was a large class of enterprise in which those Companies were the most likely to succeed. There ought to be no legal impediments in the way of competition. He believed that the Bill would effect a wise change, because he had confidence in the force of the objections urged against the existing law, and because he was sure that they as legislators ought not to place any dam across the channels in which capital was disposed to run. There was evidently a strong disposition at present to embark capital in joint-stock undertakings, and they could not say, until they had made the experiment, what would be the result of that disposition. If they removed all impediments upon commerce, provided that the contracts entered into by Companies and by individuals were faithfully and honestly fulfilled, and left people to ascertain the relative advantages of the different modes of carrying on business, they would have done their duty as legislators to those whom they represented.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. COLLIER said, the House and the country would be much obliged to his right hon. Friend for having introduced the Bill now under discussion, which, although by no means perfect, was an important recognition of the principle of freedom of contract, which he regarded as a corollary to freedom of trade and freedom of navigation. He should address his observations, in the first instance, to the Limited Liability Bill, which he regarded as far more important, and likely to have a far more extensive operation than the Partnership Bill. The first observation which it occurred to him to make was, that he could have wished it had included a wider range of Companies. His right hon. Friend had said that two classes of Companies, namely, the Banking and Insurance, were exempted from the operation of the Bill, but it would be found that a much larger number of Companies were exempted. The Companies exempted were those to which the Joint-stock Companies registered Act did not apply, and there were not only Banking and Insurance Companies, but schools, scientific and literary societies, friendly societies, loan societies, and, he believed, building societies, and mining Companies conducted under the cost-book system. The exemptions from the Bill were very considerable, and he should be inclined to move a clause to the effect that these Companies should be included, because it seemed to him that if the principle were good as far as it went, it should be extended further. In the next place, the Bill only comprised Companies with a capital of 20,000*l.*, and shares of the value of 25*l.* each; but his right hon. Friend would, he thought, have been justified, and would have taken a safe course, if he had comprised Companies with a capital of 10,000*l.* and shares of 10*l.* each; for it was the poorer rather than the richer classes of the community who required a change in the present law. The hon. Member for Lambeth (Mr. W. Williams) had given notice of his intention to move the introduction of a clause to that effect, and if he did make the proposition, he (Mr. Collier) would support it; if not, he would move the introduction of a clause himself. It might be asked why they should hesitate to apply the principle of this Bill, if it were good, to all Companies, whatever the number of shareholders or the capital they subscribed? Arguing the matter upon abstract principle, he would confess that it was difficult to draw the line; nor, as far as he (Mr. Collier) was concerned, did he shrink from following the principle to all its consequences, at the same time, he was not prepared to blame his right hon. Friend for, in the first instance at least, limiting the operation of the measure to Companies formed upon what might be termed the Joint-stock Company type, as distinguished from that of the ordinary partnership. He should proceed to make one or two observations on the second Bill, which applied to partnerships of all descriptions, without reference to the number of shareholders or amount of capital. By the first provision it was directed that the loan should be registered, and also the name of the lender, but if there was any mistake or omission in the registry, the lender incurred the penalty of unlimited liability. It was also provided that the claim of the lender should be postponed until the claims of the other creditors were satisfied. There could be no objection to persons contracting on that footing if they pleased, but it seemed to him that persons lending on these terms were in some respects in so much less advantageous a position than those who lent their money at a fixed interest, that the Bill was not likely to have a very extensive operation. His right hon. Friend would have done better to adopt the provisions applicable to this part of the subject of the French *société en commandite*, the parties to which were not required to register the names of the lenders, but only an extract from the deed of partnership, stating that it was a limited partnership, and that a certain amount had been borrowed. He would beg to read a statement of the law of France applicable to those societies by M. Troplong, President of the Court of Appeal of Paris. It showed that the extract from the deed of partnership need not contain the names of the special partners. It was sufficient if it designated the amount of capital (*valeurs*) contributed, or to be contributed, by them. M. Troplong says—

> "The reason of this provision is very simple. Special partners are not indefinitely responsible. They risk nothing but a certain amount of capital, and are not liable beyond it. It thence becomes useless to present their names to the gaze of third persons; frequently, indeed, such needless exposure would have kept capital out of limited partnerships, for many fathers of families, magistrates, functionaries, freeholders, and professional men only go into them on the faith of this condition—not to be published. Further, the extract need not designate the capital introduced by the general partners. Their property, if they possess any, adds nothing to the material strength (*forces*) which the general partners offer the public by way of guarantee: inasmuch as such property is, under the general law, already a pledge to the public for their indefinite liability. . . . The *Code of Commerce* perceived the danger of too much clandestinity in the construction of these associations, and its measures to prevent it were wise and energetic. A plan at once simple and thorough, though unthought of before the code, was adopted in it, which harmonises the publicity required by credit with the secrecy due to the consideration of persons. That is, the capital of the limited partners shall be known, as a pledge to the public, but their persons shall be kept out of view; and the general partners, who have assumed indefinite and entire responsibility, shall alone figure in the published extract."

The French did not visit with unlimited liability special partners with respect to whom there had been defective registration, but made "nullity of partnership" a consequence of failure to register.

MR. BOUVERIE said, he proposed to make a change in that respect—that defective registration should not expose the party to unlimited liability.

MR. COLLIER said, he was glad to hear that his right hon. Friend proposed to make that alteration. He would wish, further, to point out that there was this difference between partnerships contemplated by the Bill and the *sociétés en commandite*. In France the shares were transferable, under the Bill they were not. He was for holding up the French system as perfect, at the same time there were some of its features which he thought his right hon. Friend would have done well to have copied somewhat more closely. The Americans had adopted the French system, but subject to many restrictions, such as were in the Bill. In fact, the plan proposed by his right hon. Friend was more in accordance with the American than with the French system. Mr. Troubat, a distinguished writer upon American commercial law, asked the lawgivers on that side of the Atlantic—

> "To deliberate whether they have not so fettered the system as to render it practically dangerous to embark therein? Why so much rigour against special partners here? Or, rather, why so very much more than in France? To the eye of the author of this work every statute of limited partnership in this country is framed as if capitalists were exceptions from the mass of citizens, and were viewed as a band of rogues who would lose no opportunity to take advantage of the community, or to defraud the law. According to the scale of penal sanctions that is meted out to special partners, dormant partners at common law ought to be viewed in theory as pickpockets, and, when discovered (from the mere rarity and difficulty of discovery), be prosecuted as such, and their gains snatched from them as unholy. If there were any warrant for this severity against special partners in the experience of countries which have tested the system for centuries, the plea would be different, but the reverse is the case."

Here there was high authority for saying that the Americans had erred in imposing what Mr. Proubert calls "these severities" on special partners, and his right hon. Friend would do well not to follow their example. He understood that his hon. and learned Friend the Member for Belfast (Mr. Cairns) intended to propose that all the clauses with respect to registration should be struck out; but, in his (Mr. Collier's) opinion, it was expedient that, if a man traded with the capital of other partners, that is to say, of other persons interested in the concern, and participating in its profits and losses, the fact should be announced that he was so trading on such capital, although as an element in the credit to which he was entitled, though, as he had before observed, the names of his partners in the amount of their respective contributions need not necessarily be stated. If it were not so, there would be great difficulty in determining who was a partner and who was not, and much confusion would arise in courts of law. To put the case clearly. Supposing A advanced 19-20ths of the capital and was to take 19-20ths of the profits, and secretly managed the concern, but put forward B, who was the only person known to the public, would it not be hard that the creditors who had trusted B upon the appearance he made with A's capital should have no remedy against A? and would it not be still harder that A should be able to come in *pari passu* with the other creditors? For a long time there was no registration in France, but it was found to lead to great inconvenience, and, therefore, in the *Code de Commerce* the system of registration was established which he recommended the hon. Gentleman to adopt. He felt it was extremely desirable that the Bill should pass in the present Session, and therefore took the liberty of recommending the friends of limited liability, who desired to go further than the provisions of the Bill to abstain from moving more clauses and amendments than seemed absolutely necessary, lest they should incur the risk of its falling into that limbo to which the Testamentary and other Bills had already been, and many more Bills would shortly be, consigned. It was most desirable to pass the Bill, in order that the important principle should be recognised by Parliament, that persons had the right to limit their liability without special Acts of Parliament or the special favour of the Board of Trade. The greatest undertakings of which the country could boast were the result of limited liability. He believed its general recognition would be the means of opening new and profitable channels for the investment of capital and the employment of industry—new roads to success for the active and enterprising—new facilities for slipping the right men into the right places, that it would tend to bridge over the gulf which divided capital and labour, the interests of which, seemingly antagonistic, were ever in unison, and would, to an extent which it is difficult to compute, increase the wealth and prosperity of the country.

Mr. GLYN said, he would beg to call attention to the measures that had been adopted from time to time with reference to the subject now under discussion, up to the Report of the Committee appointed in 1853, in pursuance whereof a Commission was issued by the Crown. He would also beg to call attention to the Report of that Commission, who had decided, not that a Bill should be introduced, but that the subject was unripe for legislation. They were induced, in the first place, to make the Report because they had great doubt—from the evidence produced before them—of the success of the measure in the two foreign countries where it was most in operation, namely, in France and in America. It would appear from the evidence produced before them that although it was not denied that a certain measure of success had attended those companies, yet it was stated that the success was not of that paramount and decided nature which should lead them at once to follow the example of those countries. But there was another point that pressed upon the minds of the Committee, and also upon the minds of the persons who had acted upon the Commission, and it was this—that before anything was done with regard to the alteration of the law of partnership and limited liability, it would be necessary that a great alteration should take place in the present system of bankruptcy law. The state of their bankrupt law was as different as it possibly could be from the law in France, and it might be difficult to assimilate them, knowing as they did how much the feelings of the people in this country were opposed to the introduction of stringent measures, or any of the means by which it was deemed necessary to carry out the law as it existed in France. He would also ask whether the examples of France and America were in reality analogous examples? When the law was introduced into France the commercial character in that country was at such a low ebb that no person would assume commercial responsibility of any kind, and therefore it was necessary to use every possible effort to induce capital to come into the service of partnerships. What was the case in America? In America the case was exactly the reverse. There the commercial character stood high; but commercial capital was required, and they did everything they could to induce capital to come into play there. But he appealed to any Member in that House whether there ever had been a want of capital to carry out legitimate measures of commerce in that country? He would admit, however, that the law respecting joint-stock companies required reform, and upon that ground he was willing to vote for the Bill of his right hon. Friend. Many of the witnesses who had been examined on the subject laid down the principle that "there was no sufficient reason why people should not be allowed to employ their capital in any way they pleased, provided the terms upon which they did so were known;" and certainly, with that qualification, any one might readily subscribe to that doctrine. But then it would be quite impossible to carry out the condition of requiring the terms of the partnership to be known. How, for instance, could it be applied in its entirety to bills of exchange passing from hand to hand by endorsement?—a class of instruments forming a great part of the circulation of a country like England. The Bill was, therefore, objectionable, because it provided no adequate security in those respects; and it would open the door to fraud to the greatest possible degree by allowing persons to carry on engagements, under the idea of a registered capital, after that capital had long been withdrawn from the concern. Undoubtedly the system of granting charters through the Board of Trade to Joint-stock Companies demanded alteration; but let not the House for that reason hurry into rash legislation upon mere abstract principles, especially when the question was one involving the commercial character and credit of the country. The measure could not be fairly taken as an instalment of improvement, because it began at the wrong end, and would destroy the security essential in all business transactions, while, on the other hand, it would also tend to alienate the support of many who were favourable to the proper adjustment of the question at a legitimate opportunity. If his right hon. Friend would carry out in his new Bill the provision that the terms of the contract should always be known, he would willingly subscribe to the doctrine of Mr. Mill; but that was a perfect impossibility. His right hon. Friend seemed to wish to legislate on partnership as if all the rest of the world were as honest as he would wish them to be, but his conviction was that the measure would open the door for fraud to the greatest possible extent. Let them not be in too great a hurry to legislate on a subject on which so much of the commercial character of the country depended. The Bills could not be matured during the present Session, and the only effect must be to prejudice many who were favourably disposed to a change in the law.

MR. MALINS said, he would beg to express his thanks to the Government for introducing the measures now under the consideration of the House, for he could not but think that, after the subject had been undergoing examination before Committees and Commissions for the last twenty-one years, it was at length fully ripe for legislation. The law of partnership which prevailed in the United Kingdom was a disgrace to any civilised community. They were not now about to deal with partnerships in which A and B carried on business in their joint names, and were, of course, both liable for the debts of the concern to the fullest extent; but with partnerships in which A conducted the business in his own name, and had B for a dormant partner. The principle of the law, that every man who had a share of the profits should also bear a share of the losses, had been pushed to an unreasonable extent, and made the dormant partner, who might have joined A only the day before his failure and taken but 20*l.* out of the profits, liable to the last farthing of his fortune for the whole of A's debts. The injustice of this was put in a very forcible manner by Mr. Bramwell, one of the Commissioners who inquired into the subject, and whose opinion was entitled to the greatest weight. That Gentleman, in his Report, stated—

> "I take the case of a dormant partner as an example:—A has entered into partnership with B; he has bargained that B shall not pledge his credit; he has agreed to find certain capital; he has performed his engagement faithfully. C has sold goods to B; B's fraud, folly, or misfortune makes him insolvent. The existence of the partnership is discovered, and A is called on by C, who had never heard of him and never trusted him, to pay. This claim is, in my judgment, inconsistent with common sense and common honesty."

It was to remedy this hardship that it was now proposed to alter the law. The extent to which one partner could pledge the credit of the rest was already limited in the case of the Cornish mines, conducted on the cost-book principle, which was a species of limited liability, where the directors could not bind the other partners by drawing bills of exchange or borrowing money. The Bill provided the requisite security to those who might have dealings with a firm carrying on business under limited liability by requiring notice to be publicly given that their partnership was based on that principle. The hon. Gentleman who spoke last asked, in regard to bills of exchange, how limited liability would apply to them? But a man usually took a bill of exchange from his knowledge of the party who endorsed it, or of the person from whom he immediately received it; and, if he knew them, he would also know the extent of their liability. On the other hand, if he did not even know so much as their names, he would have no right to complain that he did not know the extent of their liability. Under the proposed Bill notice would be given that if "Smith and Co." endorsed a bill, it must be taken as "Smith and Co. with limited liability;" and, therefore, that fact would be distinctly understood by the acceptor, and every other party interested. ["No."] Well, then, if that notice was not given, then they could provide that it should be by amending the Bill when it got into Committee. It was a case of common occurrence that a loan was made to an individual member of a partnership firm, and for which the lender received as security a bill of exchange or a promissory note of the firm. It did not follow that the lender thereby acquired the liability of all the firm. If a jury in a court, or a Judge in equity, should be of opinion that the circumstances under which the money was borrowed amounted to a notice to the lender that he was dealing with the individual partner, and not with the firm, the law was, that the lender had not obtained the legal liability of the firm, but only that of the individual partner. The only difficulty that could arise in such a case was the question whether the lender had notice or not? The law in fact affirmed the principle of limited liability; but the difficulty in practice was the necessary notice in each case. It was to make this notice general by Act of Parliament, when limited liability was the principle that the Bills before the House were addressed. It was said there were dishonest debtors; but it had also been said there were dishonest creditors. Mr. Bramwell said so in his Report, and he added that limited liability would have the effect of rendering them less dishonest than they were empowered to be under the present law. Under the provisions of the Bill goods would be delivered or money lent, with distinct notice where the liability was intended to be limited. It was to enact that it should not be necessary in every individual transaction to give notice, but that there should be a general law enacting that a partnership did not necessarily involve an unlimited liability; but that it might be either unlimited or limited, and, if limited, that then notice should be given thereof. Could anything be more reasonable than such a proposition? The Bill proposed that A might carry on business, and B supply the capital. If those who dealt with A had no notice of B being a partner, what ground had they for complaint that they had not his liability for any credit given by them to A? But if they had notice of the fact that B supplied capital, then they would have whatever advantage might arise from the terms on which B's liability existed. The present state of the law had long been deplored, and the proposed alteration of it would effect the greatest possible amendment in the commercial transactions of the country. What were the disadvantages which were apprehended would arise from the proposed alteration of the law? It was said it would encourage fraud and swindling; but who was to be defrauded? Was it the person who sold goods or lent money? There could be no fraud where the party had notice. But these prophecies of ill were not new with regard to amendments in the law. He remembered that when it was proposed to abolish arrest on *mesne process* it was contended that it would ruin the commercial credit of the country, but he believed his hon. Friend the Member for Kendal (Mr. Glyn) would agree with him that the commercial credit of the country was as stable now as before 1838, when that power of arrest on *mesne process* was taken away. It was not, therefore, upon any of these stringent laws that the stability of your commercial undertakings depended; they would and must, after all, depend upon the character of those who were engaged in them. He did not agree with the hon. and learned Member for Plymouth (Mr. Collier) that there should be no registration; but he did agree with him that there should be due notice given in all cases of limited liability. It appeared to him that what the promoters of the Bills were anxious to do was, not to hold out inducements to traders to give reckless credit, but, on the contrary, to prevail on them to conduct their business with prudence and with foresight, and to take care that those with whom they dealt were worthy of credit, instead of relying upon the liability of a dormant partner to pay debts which ought never to have been incurred. A point was once raised before Lord Eldon in which the following decision was come to by that high legal authority—

"If you employed an agent and agreed to pay him a certain proportion of the profits of your business, that constituted a partnership; but if you agreed to pay a clerk a sum equal to a certain proportion—say one-fourth of the profits—that did not constitute a partnership."

Now, ought such a state of things to exist in a great commercial country? His hon. Friend the Member for Kendal could scarcely maintain such anomalies in the law. The changes contemplated by the Bill were most desirable; he had long advocated them, and he rejoiced to see that there was at last a prospect of carrying them out. He approved also the Limited Liability Bill, though he was of opinion that its scope might be very much enlarged. He saw no reason why Banks and Insurance Offices should not be included in it. Insurance Offices did at present possess a sort of limited liability, because in every policy of insurance there was a provision that the directors signing it pledged the funds of the Company only, and not their own property; but by extending the operations of the Bill to those Companies they would be enabled to avail themselves of the principle in a far better manner. So with Banks—Joint-stock Banks more especially—he thought there should be a provision for a substantially subscribod capital, and along with it limited liability. If it had not been for that principle there would have been few or no railroads or canals. If, then, these limited liabilities were created in such cases every day, he did not see why that principle should not be generally applicable. The objection to limited liability rested on a morbid sensibility for the creditors. Why should not the creditors be left to take care of themselves? The present state of the law with regard to Joint-stock Banks had involved hundreds of families in ruin. The Australian Banking Company, at present winding up in the Court of Chancery, was a notable instance. That bank was established in 1842 for the purpose of carrying on business operations between this country and Australia; the directors, shortly after its formation, deceiving themselves perhaps—certainly deceiving others—as to their position, borrowed money to the extent of 300,000*l.* The bank completely failed, and at this moment the process was going on of calling on the shareholders to pay up their last farthing to meet the debts of the bank; and probably not less than from 100 to 150 families would be utterly ruined by their connection with the Company. Of course the parties from whom the money was borrowed did not trouble themselves before they lent it to inquire into the state and prospects of the company; they saw on the list of shareholders perhaps 100 men whom they thought perfectly competent to repay them, and they lent the money in the full security that, if the directors did not pay, they could pounce on the shareholders. But if the law of limited liability had been in operation the case would have been far different. The money lenders would have inquired into the condition of the company, its assets would have been their only security, and if they had not been satisfied with them, they would not have lent their money. In the same way the Newcastle Bank and the Monmouth and Glamorganshire Bank had been the ruin of hundreds of families. Why was it that men lent their money on railway debentures, or invested it in railway shares, only because, in the first case, they were satisfied with the position and the administration of the company, and, in the second case, because they knew that if they paid up the full amount of their shares they were liable for no more. Though often consulted on such matters, he had never in his life advised any one to invest in a Joint-stock Company, for he could not understand how any man in his senses could make up his mind to run the risk of being involved by the managers of such a company to the full extent of his fortune, however small his real stake in it might be. The present state of the law deterred prudent men of capital from embarking their money in business, and who was it that profited by such a state of things? The only people who were benefitted were the great capitalists. He believed those most opposed to a change in the law were those whose great capital gave them great power, and who feared that, if capital generally became more diffused, their influence would be reduced. Those who supported the Bills were desirous of bringing about the union of skill and capital, which the present law did all it could to keep separate. He gave his most cordial assent to the measures, of course reserving to himself the right of discussing details at a future stage, but he was quite prepared to say that he regarded their principle as most admirable.

Mr. CARDWELL said, he thought it was rather late in the day to be arguing at any great length the principle upon which the important Bills now under consideration were founded. If the principle was not settled by public opinion, the principle was settled by the actual state of practice, and had been so for the last twenty years. Up to the time when Mr. Poulett Thomson was President of the Board of Trade, but more particularly at the time when Lord Eldon was Lord Chancellor, there was the greatest possible difficulty in inducing the Crown to exercise its prerogative of granting incorporations, but in the year 1837 an Act of Parliament was passed which has had a most important practical effect in respect to Joint-stock Companies. He referred to the Act, which prescribed that before the Crown exercised its prerogative of granting incorporations to Joint-stock Companies for trading purposes a reference should be made to the Board of Trade, and a Report from that Board be laid before the Crown. The practical effect of that measure had been to vest in the Board of Trade the power of granting or witholding charters, and that power had been exercised with liberality at some times, and with jealousy at others. As Member for Liverpool he had had an opportunity of seeing the objectionable nature of that system, and his experience in the office which he lately held had afforded him a still better opportunity of becoming yet more convinced of its extremely objectionable character. It was not necessary to appeal to experience, however, for common sense must point out to every one that it was for Parliament to make laws, and not for individuals. If Parliament did all it possibly could to place the law on a footing which might be available with perfect eqality to all persons, then the officers who carried it into effect were the ministers and not the dispensers of the law, and, no matter what the tendency of the mind of the persons holding office might be, the benefits of the law would be open to all the Queen's subjects without distinction. Such being, he believed, the almost uniform feeling of the House and the country, Parliament was compelled to pass a law upon the subject of limited liablity; for if they could—which they could not—resist the combining tendencies of the age—the associative tendencies of men to unite for great undertakings — they could not emancipate themselves from the further difficulty, that by no better title than the will of an individual Minister a series of great corporations had already been established. How then could they refuse to other Companies having equal claims the same privilege which had been accorded to those established corporations. They had determined that they would not permit the present system to go on, and they were therefore tied to the conclusion, that they must as soon as possible pass some Bill,—and he trusted a satisfactory Bill—upon the subject. Thin as the attendance in the House had been all the evening, and thin as it was then, there was probably no subject of domestic legislation which attracted more general attention. He entirely agreed with his hon. Friend the Member for Kendal (Mr. Glyn) who spoke with such authority upon questions of this kind, that it was extremely important that they should not be led into anything precipitately and prematurely, for they were dealing with that which, although it seemed so simple to some, who argued it as a question of debate, involved the whole fortune, the whole substance of those who were to be subjected to its operation; and he was inclined to hope that they might, even during the limited period which now remained of the present Session of Parliament, succeed in putting the Bill into such a shape as would enable them to enact a self-acting and sufficiently elastic law, known and understood by the creditor and the debtor, and giving to the new incorporations that which it was desired to give them—the exact amount of credit, and no more, to which from their respective character and capital they might be entitled. The real subject for them was not to enter into general disquisitions as to the desirability of a state of the law which should require unlimited liability, or which should admit of limited liability; but, if they were to do that which was practical and useful, they must address themselves to the precise detail of the measure submitted for their consideration, and in an honest and earnest spirit to support the Bill in those particulars in which they thought it should be supported, or to submit to his right hon. Friend (Mr. Bouverie) those Amendments which, if supported by reason, he was sure the right hon. Gentleman would accede to. It was the more desirable they should do so, because they had now arrived at the second reading, and because this was the first opportunity that the House or the public had had of hearing the subject discussed or of knowing what the Legislature proposed. The subject necessarily divided itself into the two heads into which his right hon. Friend had divided it in the two Bills—viz., the subject of partnership, and that of Joint-stock Companies. That was not an arbitrary distinction, but one which arose from the nature of the question and from the circumstances of human transactions. A partnership meant a number of persons associated, so small that they could communicate with each other upon every important transaction of the joint concern, and that each partner was therefore a party to every transaction of the partnership; while a Joint-stock Company, requiring the aid of the law for its constitution, was a body of persons associated for the same objects, but so numerous that it was impossible for them to communicate with each other; and, therefore, it was necessary for it to have an entirely different organisation. It would probably be admitted that in the circumstances of this country the Bill affecting Joint-stock Companies was the more important measure of the two. Some imputation had been cast upon the present state of the law, which it did not deserve. An hon. and learned Gentleman opposite (Mr. Malins) had stated that it was altogether discreditable to a civilised community; but, nevertheless, the principle of the law was extremely simple, and if it were not possible to adopt a measure which would establish limited liability by an Act supplementary to the existing law, instead of by one which would entirely subvert that law, he should not be so sanguine as he was of a satisfactory settlement of this question. By the theory of the present law, individuals might limit their liability as much as they pleased; but the country had never yet instituted any mechanism by which a Joint-stock Company could give a general notice that they elected to avail themselves of this privilege of the law. That was not a mere idea or theory, for it was acted upon every day by many of the most influential Companies in the City of London. The Insurance Companies all acted upon that law, because, from the nature of their business, it was possible for them to enter into a separate written contract with each of their customers; and there was, therefore, no difficulty in their applying the principle of limited liability to every one of their contracts. But in the multiform transactions of most other Companies it was impossible to give a specific notice to each customer, and therefore as the law now stood, in their case the principle of limited liability was practically inoperative. That was a state of things which they were now, he trusted, about to remedy, it was a very difficult question, and one quite sufficient to occupy their whole time and attention. What they had to do was to construct a system of specific notice by which every Joint-stock Company that desired to limit its liability should be able—not to give a separate special notice to each individual customer, for that had been proved to be impossible—but to frame a general form of notice which should be understood to operate, and which should secure to them all the benefits resulting from limited liability. The mere statement of that fact would prove to the House the difficulties that had to be encountered; for it was obvious that a general notice—unless very careful provision were made—would not come home to the individuals concerned, and they would suffer from want of perception of the notice. The question then was—what form of notice would be adequate? He felt bound to make some explanation to the House on that particular point, because, at the very commencement of the Session it had been his duty to introduce a Bill on the subject which agreed with the Bill of his right hon. Friend in some respects, but presented some points of difference, which he hoped would meet with consideration, in order that the Government Bill might be rendered as perfect as possible. In the first place, if the titles and official documents of the Companies included the word "limited," that would at least be a clear notice to persons dealing with them that they proposed some limit to their liability; and, with respect to negotiable paper, he would suggest that if acceptances or endorsements terminated with the words "limited liability," ample notice would be given to persons discounting such paper that there was some limitation to the credit which the bills demanded. Then came the question of fixing the *quantum* of the liability. Registration at the offices of the Joint-stock Companies and publication in the *Gazette* which circulated through all the commercial portions of the country would afford the greatest information; and, if the hon. Member for Kendal (Mr. Glyn) said they cast upon the traders of the country the necessity of going to look at the register, the answer was, that it was for the advantage of themselves and the Company that persons discounting Bills should know the particulars of their expenditure and income, and be enabled to satisfy themselves of the position of the parties who rendered themselves liable. The name of Mr. John Stuart Mill, who was a man of very great eminence, and who had taken much interest in the subject, carried with it such weight, that when they were considering changes of this description in the law, it might be well to know how far they were sustained by his authority. There was no point on which commercial men more agreed than in the necessity of keeping up the capital of a Company when once subscribed, for, if they dispersed the capital as soon as raised, they would run the risk of creating fictitious credit, and it was to avoid that difficulty that one gentleman suggested that the Board of Trade should audit the accounts of every Joint-stock Company in the kingdom; but Mr. Mill was of opinion that all Joint-stock Companies, with limited responsibility, should have the capital on which they professed to carry on business actually paid up, or security given, and also that the accounts should be accessible to individuals, and, if needful, be published to the world. He remembered being present at a remarkable trial some years ago at Liverpool, relating to one of the Manchester banks which had failed, and occasioned the greatest misery among a large number of persons. Nothing could have been more flourishing, however, than the accounts of that bank. He feared that any person who trusted to the published accounts of a bank trusted to that which was worse than worthless, because it could do nothing but mislead; and he believed that any system of publishing accounts or of compulsory audit of Joint-stock Companies would be altogether useless, if not eminently mischievous. A great security, however, would be afforded if they followed the course which was now taken by the Treasury in granting charters to Banks in the Colonies. A person becoming a shareholder might be liable for as much as he chose—he elected his own liability; but when was the period when that liability should come into operation? Clearly, his liability was not wanted when the concern was commencing, but it was useful when the concern met with a catastrophe and the creditor desired his responsibility. Then there was another difficulty to be guarded against; a shareholder would know when the Company was likely to become insolvent, and, being aware that he would be liable at the time of the catastrophe, he would make over his shares and his liability with them to a man of straw. The existing law provided, however, that he should continue liable on the amount of his shares in a secondary degree for a certain time after he had parted with his shares; and that was a provision which ought to be continued, although possibly three years after he had parted with them was rather too long a period. The Bill, therefore, which would embody the provisions to which he (Mr. Cardwell) had referred would enable all persons associating themselves in a Company to obtain limited liability upon complying with certain simple and intelligible conditions. In the first place, the name of the firm should indicate that it was a limited liability Company; in the second place a published list at the registrar's office and in the *Gazette* should show the *quantum* of liability of each partner; thirdly, when a Company failed to meet its engagements, every person should be liable for the amount for which he was entered; and, lastly, every person should be liable for a limited period after he had parted with his shares. Instead of those safeguards, the proposed Bill provided that the capital of every Company which came within its operation should be of the nominal amount of 20,000*l.*, that the subscription contract should be signed to the extent of 15,000*l.*, and that 20 per cent. of that amount, or 3,000*l.* should be actually paid up. There were, however, numerous objections to those provisions. In theory there was this manifest objection, that it was not right to give a legal privilege to 20,000*l.* which was refused to 19,000*l.*; but it was not more objectionable in theory than he believed it would prove to be in practice. The object, of course, was to include none but respectable Companies, and it was supposed that a capital of 20,000*l.* would insure something like respectability; but he believed there were many Companies in rural towns for small purposes—such as gas works and local improvements which, if they raised themselves to a nominal capital of 20,000*l.*, must evidently do so with the sole object of availing themselves of the privileges of the proposed Bill, inasmuch as so large a sum would never be required for the legitimate purposes of the Company. But take the case of a set of swindlers engaged in a fraudulent Company desiring to avail themselves of the benefits of the law at the same time that they evaded its provisions: all that they would have to do would be to sign their names at the registrar's office for 15,000*l.*; to obtain for a temporary purpose the sum of 3,000*l*., and their object would be gained. Another provision of the proposed measure was that when a certain amount of capital was lost the Company must wind up. If it were a *bonâ fide* Company, it appeared to him that the provision was unnecessary; but if it were a fraudulent Company, seeking to evade the law, how long would it be, he asked, before they would appoint auditors who would show that three-fourths of the capital had been dissipated, which would thus occasion them to wind up? For himself, he believed that the true principle was to be found in an elastic law, which, fixing the liability of the individual at a time when the concern in general failed to pay its debts, should tell a simple story to the public, and should enable the public to examine the list at the registrar's, to see who the persons were, and how much they were liable for, and, if they liked the names, to proceed against the men. He wished now to say a word with respect to the exemptions contained in the Joint-stock Companies Bill. He did not see why Insurance Companies should be exempted, seeing that they were the only Companies to which it was a matter of perfect indifference whether the Bill passed or not. They could do already what the Bill enabled them to do; and, for the sake of harmony in legislation, he thought that it was undesirable to make an exemption in their favour. With regard to Banks, the case was different. They were not under the control of the Board of Trade, but of the Treasury. It was natural, therefore, that his right hon. Friend should have exempted them, and he (Mr. Cardwell) thought, if the House should succeed in settling this Session the whole of the law in relation to those Joint-stock Companies which were under the control of the Board of Trade, it might be prudent to wait for another Session, when they would have the experience of the present Bill to guide them, before calling upon the Treasury to apply the same law to Banks. He now came to the other measure—that with regard to partnerships—which he considered to be of very subordinate importance to the one which he had just been discussing. The hon. and learned Member for Wallingford (Mr. Malins) objected to there being a registration of any of those who came in to make privileged loans. This reminded him that his right hon. Friend (Mr. Bouverie) had appealed to the example of France and America to show the salutary working of limited liability; but he thought, if the evidence taken before the Commission were to go for anything, that it was by no means the result of universal experience that the law worked well in those countries. Mr. Slater, a gentleman of great legal as well as commercial ability, had stated that it was by no means certain that the system had worked in so satisfactory a manner as was generally supposed. To establish a principle which in reality would be one of special loans without registration would be to enable men to play at the game of heads, I win—tails, you lose; for any man could enter a partnership and receive all the profits until the concern began to break, and could then emancipate himself from all liability. He would impress upon the House that, when they were about to change the commercial law, and to follow the laws of countries which had not enjoyed such a high degree of commercial prosperity and reputation as this country had enjoyed, it was of the utmost importance to consider what was the operation of the law in those countries, and not to follow it without seeing if part at least of it had not been matter of regret to its framers, and to those who adopted it. A reference had been made to Massachusetts, but, with regard to that state, Mr. Slater stated that limited partnership did not prevail there to any very considerable extent. The hon. and learned Member for Plymouth (Mr. Collier) had called the machinery of the Bill before the House a defective application of the French law; but, in his opinion, instead of being a defective application, it was a decided improvement, for the French law contained provisions with regard to bankruptcy of a character so severe that they could not be tolerated by the Legislature or by the feeling of the people of this country. As to the law of *commandite*, perhaps the House would allow him to point out what it originally was. It was not originally a law of partnership, but more resembled a law to regulate loans. It was originally introduced at the time of the Crusades by the commercial people on the shores of the Mediterranean, and he believed that the first record of it was to be found in the Statutes passed for the government of Jerusalem. Until the year 1673 it was a system of loan, and then it was incorporated into the French law, and afterwards found its way to Louisiana, and to some of the northern States of America; but it was in its passage through France that

that which was originally a system of loans acquired the character of a law of partnership. The House should not lose sight of the fact that in the French law the law of partnership did not stand by itself but was contained in the general system of law, and therefore, if the French law of partnership were adopted in this country, to interpret it by the general principle of the law of England would be impracticable. The security to the creditor of the system now proposed was in the registration ; for if a person were allowed to advance money, and to say you have repealed your usury laws, and if I may lend money at an extortionate rate of interest, why may I not as well lend money to a concern at a rate of interest fluctuating with its profits, what would be the consequence ? Persons might advance money to a concern to an extent that would make them the chief persons interested. He would put a case to the House. Suppose a house in London desired to establish a speculation in some outport, and sent a man of straw there, providing him with a sum of money to enable him to acquire credit in the district. He was aware that it was said that the credit of any one was derived from his mode of carrying on business, but the mode in which a man carried on his business depended upon the capital which he had at command, and a person sent to any place in the way he had mentioned might be furnished with capital quite sufficient to enable him to acquire a large amount of credit. It might so happen that, in such a case, the London house might receive profits larger than the original advance, and if after that the concern began to fail, they might withdraw without incurring any liability ; surely the House would not sanction such a principle as that. In dealing with this question the House should remember that, however well various systems had worked in other countries, there was not in the world such a cumulus of commercial prosperity, or such commercial credit, as there was in England, and they should be particularly careful that, in breaking down the barrier between labour and capital, and enabling the poor and enterprising to better their condition, they did not, at the same time, by neglect of simple precautions, undermine the foundation of that prosperity and of that credit which, whatever good it might do to the rich, did still more for the poor, the enterprising, and the industrious.

MR. E. BALL said, he considered that there was a broad distinction between the question of limited liability and that of amending the law of partnership. With regard to the question of limited liability, he would very briefly state his opinion to the House. If a project were formed to carry out what would require 100,000*l.* and 100 persons joined together and made up that amount, each of those persons would only be entitled, in the event of the project succeeding, to a profit upon the 1,000*l.* which he had advanced, and therefore it did not appear to him to be just that, in case of the failure of the project, he should be liable to lose more than the sum upon which only he could receive a profit.

MR. LOWE said, that, although the question had reached its twenty-first year, he saw many symptoms which showed that it was still only in its infancy, and the proof of that was that no hon. Gentleman who had yet addressed the House had ventured to follow out his own principles to their logical conclusion. That, however, was a symptom with which we were familiar in all cases. People took a principle, the abstract truth of which they adopted, but shrank from the application of that principle, introduced all manner of exceptions, and cut it down until you could not tell whether they most trusted or distrusted it. As an instance of what he had stated he might refer to the speech of the right hon. Gentleman (Mr. Cardwell), which, in the beginning, was very strong in favour of limited liability, but, at the conclusion, was equally strong against it, so that you could hardly tell on which side the right hon. Gentleman argued with greater cogency. Now, he (Mr. Lowe) differed in opinion from every Gentleman who had addressed the House, but, though he thus differed from them, he should not have to seek for a single new argument in support of his views. He could cull them all from the speeches of those who had preceded him. First, as to the Partnership Bill of his right hon. Friend. It appeared to him that that was a very simple matter. The question as to whether a man was to be allowed to lend money on the terms of receiving profits instead of interest was just a simple variety of the question the House settled last year when it repealed the Usury Laws. The House had found out that they must leave people to settle for themselves what rate of interest should be paid, and last year they consequently agreed to repeal those laws. But they had got into exactly the same question again now. The right hon. Gentleman (Mr. Cardwell) would not allow people to deal as they pleased on the footing of profits, because, he said, to do so would be to open the door to all sorts of frauds. That was exactly what people said about the Usury Laws. So with his right hon. Friend below him (Mr. Bouverie). He said, that Parliament had thrown open the usury laws entirely, and that there could be no reason why a man should not also be allowed to deal for any sum he liked, provided he would only fix the amount. Nothing could be more reasonable or proper, and he adopted entirely that principle; but where was the logic of his right hon. Friend when he came to apply it? His right hon. Friend drew between these two species of contracts, which he had just proved to be the same, the widest possible distinction, leaving one as free as air, while he loaded the other with every kind of restriction. His right hon. Friend asserted that it was quite a different thing whether you took profits or not; and then there was the hon. and learned Member for Plymouth (Mr. Collier), who said he would prove the difference, but who did not. The hon. and learned Gentleman said, the man who dips his hands into the profits ought to be made liable if the concern failed; but he ought to have gone further and to have said, the man who dipped into profits as profits, because the person who lent money at 50 per cent ranked *pari passu* with the other creditors if the concern failed, whereas a man who lent money on the profits, it might be only at 10 per cent, was postponed to all the other creditors. Having first proved that the two cases were perfectly identical, his right hon. Friend proceeded to make a distinction between them wide as the poles asunder, and this showed what he (Mr. Lowe) called the infancy of the question. The best that could be said of the Bill now before the House was, that in the form in which it at present existed it would not work at all. They ought to stand on some principle or other, and he thought they should consider this a branch of the usury laws and should leave private persons to deal with it as well as they could. With regard to the other Bill, he was not going to argue the propriety of a limited liability in partnership; he took that for granted; but it was necessary to inquire on what principle they founded their adoption of limited liability. This principle he took to be freedom of contract—that men might contract as they pleased, provided it was a contract in which each party had a perfect knowledge of the whole state of the case. That was the principle upon which limited liability was based—the right of association and the freedom of contract. All they had to do, then, was to insure that persons should know on what grounds they were contracting, that they should have complete notice of that, and then he contended that people should be left to act as they pleased, without being fettered in any way. But was that principle carried out? Was not the Bill encumbered with all manner of restrictions beyond that particular one? Why limit it to Joint-stock Companies, and partnerships consisting of twenty-five, or five, or twenty, or any number? Why limit it to capital of any particular amount? Parliament did not do so with partnerships of unlimited liability. In any such case they left people to do as they pleased; and why should they make such a restriction here? The only difference between the two cases was that with regard to unlimited liability you knew that you had to deal with a man liable for all he was worth, while in the other case, the individual was only liable for that which he had guaranteed. Now, all you wanted to know was the sum for which persons professed to deal—whether it was for all they were worth, or merely the amount of their guarantee; and, when that was known, the difference between the two kinds of lability ceased altogether. He did think that the Bill was not a very creditable specimen of the manner in which they legislated in this country. Parliament was always accused—perhaps with too much justice—of passing one law for the rich and another for the poor; and why was it in this instance that they had a law which gave to the rich an enormous advantage which they withheld from the poor? Had any hon. Gentleman that evening given a shadow of a reason for conferring on a Joint-stock Company an advantage which was not given to a grocer's shop? There was no real distinction between the two cases. He was surprised to hear the hon. and learned Gentleman (Mr. Collier) talk about their marrying labour and capital by the adoption of the proposed Bill. It was exactly the fault of the measure that it did not attempt to do that. It certainly favoured large applications of capital, but the aggregation of labour and capital was not aimed at at all.

MR. CAIRNS said, if the hon. Member (Mr. Lowe) were let alone, as he said he wished to be, he could not practically carry out limited liability. When Parliament was asked to confer a benefit, it had a right to impose such terms as it thought to be demanded by a regard to the public interest. On that ground alone could the provisions as to registration, capital, and persons contained in the proposed Bills be justified. The object of the Bills now before the House was to give to the mercantile community a legislative declaration that a particular process should act as a notice with regard to all partnership contracts that might be entered into. If the interference of the Legislature was not required, all the discussion that had taken place upon the subject would be useless; but if the interference of the Legislature was required, then it was perfectly fair for Parliament to impose upon, as the condition upon which they would grant the benefit asked for, such terms as might be thought best calculated to promote the public interests. He believed that the House were almost unanimously agreed as to the propriety of reading the Bill a second time, but he trusted that, after they had been read a second time, the Government would proceed with them as speedily as possible, in order that the larger and more important Bill at least might pass into law that Session. He knew of no social question so important to settle as that which was now brought before the House. A stop had virtually been put to the granting of charters by the Crown on the advice of the Board of Trade, because it had been justly considered that the shades of difference between the cases in which a charter ought to be granted and the cases in which it ought not to be granted were so small, that the responsibility of deciding between the two cases was one that ought not to rest upon the Board of Trade. A return was made last Session of the applications which had been made for a charter, and the instances in which they had been granted, from which it would easily be seen that the Board of Trade had got into great confusion upon the subject. In some cases in which a charter was granted there was no evidence that it was granted to promote objects of public utility, and the capital in several instances was of the most insignificant and miserable description. But a stop having been put to the granting of a charter, the public required some measure which migt be substituted in its place, and, in order to meet the wishes of the public, the two Bills now before the House had been introduced. With regard to the first and more important of the Bills, he thought the basis of the measure was not sufficiently broad, and that, if the right hon. Gentleman persevered in the limitation which had been fixed with respect to the registration of Joint-stock Companies, he would only be offering an inducement to companies, smaller than the fixed limit, to avail themselves of the provisions of the Bill, by fraudulently establishing a limit that would come within those provisions, and then subsequently changing it. Then, again, he objected to the Bill because, though it provided that a certain amount of capital should be paid up on the various shares, no security was given to the public, when a crisis came, that anything would be forthcoming in the shape of assets to answer the demands made upon the Company. He thought that the public ought to have security at the time of the crisis, and not at the time of the formation of the Company, as was recommended by the right hon. Member for Oxford (Mr. Cardwell). It would be quite idle to make a provision for the paying up of capital, because there were means innumerable by which capital might have the appearance of being paid up when it was not really paid up. If the right hon. Gentleman (Mr. Bouverie) would consent to adopt as a security for the public the principle that when a crisis came the capital should be forthcoming, he would avoid many difficulties which would attend the measure as it stood at present. With regard to the second Bill, he thought that certain alterations and extensions introduced into the larger measure would render it altogether unnecessary. If, however, the second Bill were proceeded with, it would require some modification, as at present it contained provisions which would create considerable discussion and would render it almost impossible to pass the measure this Session.

MR. J. G. PHILLIMORE said, though thinking that the measures were not founded on a sufficiently wide basis, and did not fully carry out their principle, yet he rejoiced that a step had been made in the advancing of a great people, and was willing to accept them as an earnest of what might follow. The principle of the Bill might be traced to the Roman law.

MR. HORSFALL said, he was one of those who had taken exception to the abstract Resolution adopted by the House on the subject last Session, and he had done so mainly because the evidence taken before the Commissioners and their Report, by which the House was expected to be guided, at least to some extent, had been only a few days in the hands of hon. Members. The Bills had been described as a concession to popular feeling, but he believed that a majority of the commercial community of the country were opposed to their principle. For his own part, he approved, to a great extent, the Bills, but he thought if the right hon. Gentleman the Vice President of the Board of Trade would take into consideration the views which had been propounded by the right hon. Member for Oxford (Mr. Cardwell) he would meet the wishes of all parties by adopting in the present Session the Bill relating to limited liability, and allowing the other Bill to stand over until the next Session. He must say, in justice to the important commercial community he had the honour to represent, that the general question of limited liability had been fully, fairly, and openly discussed at a meeting of the Liverpool Chamber of Commerce, which, after a protracted discussion of several days, came to a decision adverse to the principle of the Bill by a majority of about 200 to 100. The strongest protest against the principle of the Bill that he had seen was contained in a petition which had been presented to the House from the Manchester Chamber of Commerce. The Bills, therefore, were not to be regarded as concessions to any clamour on the part of the commercial interests of the country.

Mr. W. BROWN said, the discussion had shown that the House was not in a position to legislate upon the subject without a great deal of care and inquiry. He hoped this country would never lose the vantage which it possessed arising from the high character of its merchants, which they had earned by their honourable dealings, and by their never having sought for a limitation of liability which should enable them to make large fortunes at the expense of other persons. It had been stated that some of the American jurists were in favour of the principle of limited liability, but he could cite the names of others who were opposed to it. He hoped that if the Bills were referred to a Committee upstairs, Amendments would be introduced which would render them less objectionable than he now considered them to be.

Viscount PALMERSTON said, he entirely concurred with those hon. Members who had said that the Bills were not concessions to popular clamour, for they were concessions to the progress of enlightenment upon questions of domestic, social, and political economy. They were, indeed, in perfect accordance with the real principle of the existing law, for, as they had heard from hon. Gentlemen who were thoroughly conversant with the subject, the principle of the present law, if it were properly carried out, would enable parties associated together to protect themselves by a limitation of liability. He thought the general concurrence of opinion which had been expressed by those who had taken part in the debate as to the expediency of the principle of the Bills was highly satisfactory. Some hon. Gentlemen thought the Bills were fenced round with too great and unnecessary restrictions. He confessed that in dealing with a subject on which there existed, he trusted he might say, without offence, great and strong prejudices, the Government had surrounded the measures with restrictions and limitations which, in other circumstances, their own views might have led them to dispense with. But their great object was to pass the Bills, and it was of infinite importance that they should be passed into a law in the present Session if possible. He would urge upon those who thought they had not gone far enough in the way of giving perfect freedom to trade, to concur with the Government in making some sacrifice by not pushing to an extremity their just and theoretical opinions, for the purpose of obtaining a law on this subject, without any further delay. They were told they ought to be cautious, because this was a subject that had occupied the attention of Parliament for upwards of twenty years; but surely if they had been upwards of twenty years without doing anything on the subject, it was now high time that they should do something. He knew there were Gentlemen whose opinions were entitled to the greatest weight who still clung to existing prejudices on this subject; but all improvements had been met by opposition on the part of persons whose station and influence entitled them to great deference and weight, and if no improvement was ever made till everybody was unanimous in supporting it, he was afraid the progress of human society would be slower than it was desirable it should be. He hoped therefore that the Bills would receive the attention of the House in Committee, and if any hon.

Gentleman should propose improvements in them, or should be able to point out better methods of carrying out the principle on which they were founded, the Government would be perfectly ready to give such propositions their most deliberate attention. The right hon. Gentleman the Member for Oxford (Mr. Cardwell) seemed to think that the limitation of 20,000*l.* was too great, but that was a matter of detail for the Committee. He must express his satisfaction at finding that the general principle of the Bills was agreed to by so large a majority of those who had spoken, and that those who had expressed doubts on the subject had applied those doubts rather to particular details than to the principle of the measure. It appeared to him that the question was one between free trade and the contrary, and that the practice of insisting on unlimited liability was one that had impeded the application of capital that might otherwise have been employed for the advantage of those who would have subscribed it, and for the improvement of the country at large. He anticipated therefore great advantage, both socially and commercially, from the passing into law of these measures.

MR. ARCHIBALD HASTIE said, that instead of regarding the proposed measure as a march in advance, as the noble Lord seemed to think it, he looked upon it as a march of retrogression. No country had ever risen to the commercial eminence which that country had acquired, and that was not the result of limited liability, but quite the reverse. France had been referred to by the right hon. Gentleman the Vice President of the Board of Trade; but he told them that the Returns of 1852 showed that there were 2,000 partnerships registered in France which had not limited liability, and that there were only 400 with limited liability. That, he thought, showed that the system of limited liability created discredit in France. To justify his measure, the right hon. Gentleman should have shown that there was a deficiency of capital to carry on the commercial interests of the country; but he could not show that, the fact being quite the reverse. Those nations that had limited liability were forced to come to this country for credit when they wished to buy the goods and produce of foreign nations; and he maintained that to introduce the system into the United Kingdom, would go far to destroy that credit which it had uniformly sustained. Indeed, to set up limited liability would be, in his opinion, neither more nor less than to introduce a licence for swindling. In America, France, Italy, and those other countries in which the system prevailed, it was the uniform source of deception.

MR. MOFFATT said, he must deny that the system of limited liability led to deception in America, and his conviction was, that the operation of such a measure as that now proposed would be extremely beneficial to the commerce of this country.

MR. J. C. EWART said, there was a very strong feeling in Liverpool in favour of limited liability, and he hoped that the measure would be carried through both Houses of Parliament during the present Session.

MR. MILES said, he had come down to the House determined to oppose the Limited Liability Bill, but was reconciled to it by the excellent speech of the right hon. Member for Oxford (Mr. Cardwell), and by the announcement of the Amendments he proposed to introduce. He therefore trusted that full time would be given to the commercial community to consider the Amendments before the Bill should be discussed in Committee.

MR. BOUVERIE said, that he only intended to commit the Bill on Monday *pro formâ*, for the purpose of introducing Amendments.

Motion *agreed to.*

Bill read 2°, as was also the Limited Liabilities Bill.

LUNATIC ASYLUMS (IRELAND) (ADVANCES) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

COLONEL DUNNE said, that he was strongly opposed to the irresponsible manner in which provision was made for the erection of lunatic asylums in Ireland, no estimate for the construction of those establishments being furnished in many instances, previous to their erection by any responsible authority. He thought also that the Government ought to appoint a Committee to inquire into that subject; and as he understood that they were not prepared to accede to such a proposal, he should move that the House should resolve itself into a Committee on the Bill on that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the question."

MR. FAGAN said, he thought the Irish Members had been unfairly treated with respect to the Bill now under discussion, and that a breach of faith had been committed by the Government. It was not understood that the Committee were merely to inquire into a question of technical legality, but that any illegal and useless expenditure should be taken into consideration by the Committee, and afterwards by the Government. He put it to the Chancellor of the Exchequer, whether the Bill ought to be pressed, and whether a Committee of Inquiry ought not to be appointed?

THE CHANCELLOR OF THE EXCHEQUER said, that the question involved in the Bill was a simple and narrow one. Certain loans were advanced from the public Exchequer to Irish counties under the provisions of the Lunatic Asylums Act, and the question was, whether those loans should or should not be repaid? Some additional grants, beyond those contemplated in the original Act, were made, and they required the publication of Orders in Council by the Irish Government. Those Orders in Council were not issued, and hence a technical irregularity which the Bill now before them proposed to remedy. The matter was referred to a Select Committee, fairly constituted, who examined evidence and made their Report, and the present was the Bill which had received the sanction of the Committee. The offer of a Commission was rejected and the alternative of a Committee was accepted. It was impossible now to suspend the passage of the Bill, and he must therefore decline to acceed to the issuing a Commission.

LORD CLAUD HAMILTON said, he must deny the imputation sought to be placed upon the Irish Members by the right hon. Baronet the Chancellor of the Exchequer, that they wished to avoid the repayment of the loans which had been advanced for the purpose of lunatic asylums. He thought, however, that the present opportunity should be made available for compelling the Government to inquire into the gross mismanagement and irregularities which had taken place by the Government in connection with the advance of these loans.

MR. SEYMOUR FITZGERALD said, he must beg to remind the House that the assurance given to the Irish Members had been not that the Bill should be referred to a Select Committee, but that the whole question should be referred to a Select Committee. He would appeal to hon. Members opposite, English as well as Irish, whether that was not the understanding. Well, that being so, what had the Government done? They contented themselves with referring merely their Bill to a Committee, and although they acknowledged the question at issue was an architectural and a legal one, they satisfied themselves with calling as a witness, not an architect, not a lawyer, but an inspector of lunatic asylums, Dr. John Nugent—an officer appointed by themselves. He would, therefore, maintain that the Irish Members were justified in opposing the further progress of the Bill, on account of the breach of faith on the part of the Government.

SIR JOHN TROLLOPE said, that as Chairman of the Committee, he would observe that the Committee, in conducting their inquiry, had only been actuated by a desire to do impartial justice to the people of Ireland, and they were totally unbiassed by anything that had previously taken place between the Government and the Irish Members. It was now to be regretted that the inquiry was not more extensive, but it could not have been carried further than the terms of the reference admitted. Certainly, a Committee of that House was not a proper tribunal for deciding architectural questions; and the case of the building in which they were now sitting, the original estimate of the cost of which had already been trippled, was a sufficient illustration of that fact. There was, however, no reason why the Irish Members should not be allowed to transact their own affairs, subject to the same responsibility as that which rested upon the representatives of other parts of the kingdom; and in the particular case before them the same principle should be adopted which had been acted upon when complaints having been made in regard to the advances for drainage works in Ireland, a remission was made on account of the mistakes that had been committed by the Government officers.

MR. MAGUIRE said, he felt bound to justify the conduct of Irish Members with respect to the measure, and at the same time he must contend that there had been gross and shameful blundering on the part of those representing the Government. It was too much to ask an overtaxed and poor Irish county to pay for the blunders of the irresponsible servants of the Government.

MR. GRANVILLE VERNON said, that his recollection of what occurred on the occasion when the question respecting the application of the money was under discussion was that the whole subject should be referred to a Select Committee; not to inquire as to the legality of the expenditure, because, on that point no doubt seemed to be entertained that an illegality had been committed, but as to whether the money had or had not been profitably, though illegally applied. He should have thought that the best tribunal for trying that question would have been a Commission, but upon the whole it was considered better to refer it to a Select Committee.

MR. CORRY said, that he had had several communications with the Government on this subject, and it was a distinct understanding, to which the Government were parties, that the question to be inquired into, whether it was referred to a Committee or to a Commission, was to be whether the money had been properly spent or not; and it was his opinion that the Government had not acted fairly towards the Irish Members in the matter.

MR. F. SCULLY said, he regretted very much the course which the Government had taken on the occasion. Testimony had been given from all parties that the understanding come to was that the whole subject should be made matter of inquiry, and he thought it hardly fair to insist upon the further progress of the Bill founded upon an inquiry so limited as that which had taken place before the Committee.

THE CHANCELLOR OF THE EXCHEQUER said, that his recollection of what had passed at the interview between himself and the deputation of Irish Members on the subject was very distinct. On that occasion he had offered the deputation the alternative of a Commission or a Committee. He remembered impressing upon them that a Committee would not answer the purpose which they had in view, inasmuch as it would be impossible for a Committee to inquire into the architectural question. The Commission, however, was refused, and a Committee was moved for in the House. That Motion was carried without any remark being made [*Cries of* "No,"]—at least so far as he was concerned.

COLONEL GREVILLE said, he thought the best course for the Government to adopt would be to grant a Commission to inquire into the whole subject.

MR. GROGAN said, he also concurred in recommending that a Commission should be appointed.

MR. HORSMAN said, he could confirm the statement of his right hon. Friend the Chancellor of the Exchequer as to what had passed at the interview with the Irish Members. As to the proceedings of the Committee, the reason why the general question had not been gone into was, that the Committee itself had decided that the order of reference did not justify so extended an inquiry.

MR. MACKINNON moved the adjournment of the debate.

SIR WILLIAM JOLLIFFE said, he would appeal to the hon. Member (Mr. Mackinnon) to withdraw his Amendment and allow some decision to be arrived at.

THE CHANCELLOR OF THE EXCHEQUER said, if the House would consent to the adjournment of the debate he would take into consideration the propriety of renewing the offer he had formerly made for the issue of a Commission. [*A cry of* "A distinct pledge."] If the House would consent to adjourn the debate for a week he would then be prepared to propose a Commission.

MR. I. BUTT said, he could not understand the proposition of the Chancellor of the Exchequer. If the right hon. Gentleman was prepared to say he would grant a Commission, then it would be satisfactory; but when he only said he would consider the matter, it was not sufficiently definite.

THE CHANCELLOR OF THE EXCHEQUER said, he would be prepared to accede to the issue of a Commission in some form or other before that day week, but he was unable at that moment to state the precise manner in which the Commission should be issued.

MR. GROGAN said, he would suggest that at that late period of the Session it was hopeless to expect any Report from a Commission which could be reduced to practical legislation during the present year, and, therefore, he thought it would be better to withdraw the Bill.

VISCOUNT PALMERSTON said, he thought hon. Members would do well to accept the proposition of his right hon. Friend the Chancellor of the Exchequer who proposed to communicate with the Irish Members and endeavour to meet their wishes. If the Bill were summarily dismissed there would be no Commission, and next year, the same Bill would be re-introduced under, perhaps, different circumstances.

Sir JOHN TROLLOPE said, he would recommend the Irish Members to accede to the proposal of the Government,

Colonel DUNNE said, he did not wish to triumph over the Government by an adverse vote, and would therefore advise his friends to accept the proposition of the Chancellor of the Exchequer.

Debate *adjourned* till *Friday* next.

The House adjourned at a quarter after Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, July 2, 1855.

Minutes.] Public Bills.—1ª Oath of Abjuration; Religious Worship (No. 2); Spirits (Ireland) Act Amendment; Victoria Government; Waste Lands (Australia) Acts Repeal; New South Wales Government; Indemnity; Christ Church (Todmorden) Marriages Validity; Law of Landlord and Tenant (Ireland); School Grants Security for Application.

2ª Union Charges Act Continuance.

Royal Assent.—Administration of Oaths Abroad; Infants Marriage; National Gallery, &c. (Dublin.)

DEATH OF LORD RAGLAN—HER MAJESTY'S MESSAGE.

Lord PANMURE: My Lords, I deeply lament to say that since your Lordships adjourned on Friday, I have received intelligence from the seat of war of the death of Lord Raglan, Commander in Chief of Her Majesty's forces in the East. I will not on the present occasion enter further into this most melancholy subject, but will simply present to the House a Message from Her Majesty, which I shall intrust to my noble and learned Friend on the woolsack.

The LORD CHANCELLOR then read the Message, as follows—

"Victoria R.

"Her Majesty taking into Consideration the great and brilliant Services performed by the late FitzRoy James Henry Lord Raglan, Field Marshal in Her Majesty's Army and Commander in Chief of Her Majesty's Forces at the Seat of War in the East, in the course of the Hostilities which have taken place in the Crimea, and being desirous, in Recognition of these and his other distinguished Merits, to confer some signal Mark of Her favour upon his Widow Emily Harriet Lady Raglan, upon his Son and Successor to the Title, Richard Henry Lord Raglan, and the next surviving Heir Male of the Body of the said Richard Henry Lord Raglan, recommends the House of Lords to concur in such Measures as may be necessary for the Accomplishment of this Purpose.

"V.R.

Ordered—That the said Message be taken into Consideration *To-morrow*.

THE TICKET-OF-LEAVE SYSTEM.

Lord ST. LEONARDS rose to call the attention of their Lordships to the last Return of the convicts to whom tickets of leave have been granted. The noble and learned Lord said, that there could be no doubt that the present system under which licences were granted to convicts, after undergoing periods of imprisonment, had failed—a result which was in a great measure attributable to the fact, that the Government, after setting these criminals at liberty, took no means of keeping up a knowledge of the conduct of criminals so discharged in their future career, and did not know whether they returned to habits of honest industry or relapsed into crime. There had been originally a very proper feeling that these persons ought not, after their liberation, to be followed and persecuted by the police; but, on the other hand, the Government should have retained such a degree of control over them as would at least have enabled it to form an opinion as to whether the system had answered or not. On every occasion when Returns on this subject had been moved for, the Government had, however, confessed that it did not possess the means of furnishing to their Lordships an account of those ticket-of-leave convicts who had been again brought to trial or been convicted of crime. Surely, the materials for returns much more perfect than those which had been produced might have been obtained without subjecting these persons to an amount of surveillance which would prevent their earning an honest livelihood when so disposed. Could anything be more easy, for instance, than to keep a complete register of all those convicts released upon ticket of leave who were subsequently convicted of crime? Without this they never could have a satisfactory test as to the working of the system. The probationary system to which these convicts were exposed, however beneficial, ought to be followed up by other measures, as it was impossible to suppose that persons who were thus let loose upon society would in all cases be truly reformed; but, unless a salutary watch were kept over them, it would be impossible to tell those who relapsed into crime from those who did not. He should also like to know the principle upon which these tickets of leave were granted:—as far as could be ascertained from the last Return they appeared to be granted indiscriminately. He feared much harm might result from the liberation of criminals in the months of December and January, when the length of the nights, the shortness of the days, and the scarcity of labour, rendered it improbable that they would obtain employment. He had previously complained of the number of convicts who had been released in the months of December and January last—namely, in the first month 216, and in the second 135, making 351 in all, who were turned out upon the world in the depth of winter, when it was extremely difficult for even many a poor man of unimpeached character to obtain employment. Of those men so liberated he understood forty were housebreakers and burglars; and how was it likely they were to obtain an honest livelihood? So that at a time when it was difficult even for an honest man to obtain employment, those people, of whom society was at all times particularly afraid, were discharged because their term of probation was at an end. Transportation, no doubt, could never be restored as a regular system; but it was deserving of consideration whether it might not be adopted with advantage, to a slight extent, for convicts of a more desperate and incorrigible character; while, on the other hand, for those who were fit to be liberated on ticket of leave there should be certain public works on which they could have employment if private employers would not take them into their service. The experiment had failed hitherto, and the system would produce no end of mischief, unless it were carried out more efficaciously. Up to the 30th of March, the date of the last Return, that was in two years and five months, 2,700 persons had been liberated on tickets of leave, and there were then 5,382 under sentence of transportation. This was a most alarming number. Under the present system, a large portion of these would, if liberated, relapse into crime, and he therefore earnestly called upon the Government to adopt such measures as should render the system more efficacious.

EARL GRANVILLE said, that, considering the great difficulties which of necessity attended the discontinuance of the transportation system, he was not surprised that the noble and learned Lord had been able to make out a case in many respects apparently very alarming. He was disposed to think, however, that the noble and learned Lord had exaggerated the real state of the case, for on the whole he believed that the ticket-of-leave system had succeeded better than could have been expected. Of course, the attention of the public was always directed to every case where a ticket-of-leave man was brought before a police court charged with a new offence; but they overlooked the fact that a large number of such persons were now gaining an honest livelihood. He had it on the authority of Colonel Jebb, that at least 80 or 90 per cent of the men who had thus been returned to society were at the present moment getting their living by their own honest exertions. It would, no doubt, be very desirable that the ticket-of-leave men should not be lost sight of; but the establishment of a system of superintendence by the police, as had been suggested by the noble and learned Lord, would be attended with great difficulty. At present, by dividing the sum of money which was given to the ticket-of-leave men into two parts, the second of which was paid after some interval, and only on the receipt of a recommendation from the clergyman of the parish or from a magistrate, testifying to the good behaviour of each man, some information was obtained with regard to persons so discharged; the chaplains of the gaols had also taken much pains in making inquiries on the same subject, and it was stated in the last report, that out of 254 men discharged from one prison, satisfactory replies had been received with regard to 189, unsatisfactory replies with regard to 17, and no replies at all in the cases of about 50. He could assure the noble and learned Lord that the suggestions which he had offered to-night would not be lost sight of by the Home Secretary, and that every effort would be used by the Government to administer the system with the greatest possible advantage.

Lord MELVILLE called the attention of the Secretary for War to the fact of a ticket-of-leave man having enlisted into one of the regiments of the line, and suggested that some means should be taken to prevent the recurrence of such a case.

The LORD CHANCELLOR said, that the returns, showing that 1,500 or 1,600 of these convicts had been released, might lead to the impression that, in consequence of the alteration of the law, that number had been turned loose on society; but the fact was that, of that number, 1,267 were persons who had been sentenced only to seven years' transportation, and according to the old system would have been let loose on society with this difference from the present system—that they would not have had a ticket of leave, but would have been absolutely discharged, and turned loose on society. Therefore, with regard to those persons there was no practical alteration of the law, except that through the ticket of leave, in case of their relapsing into crime, a power of recapture was afforded. Of the remainder of the 1,500 (to speak in round numbers) 267 persons were sentenced to be transported for ten years only, a very large portion of whom were really not transported under the old system; and, in calculating the number turned loose on society under the new system, a large deduction must be made on that account from the numbers in the returns. Only twenty out of the 1,500 were persons transported for terms of years exceeding ten years. A large portion of them would, probably, have been actually transported under the old system, and might therefore be considered an addition to the number turned loose on society under the new system. If, then, the returns were analysed, it would appear that, instead of 1,500, only about 100 additional convicts had been turned loose on society in consequence of the alteration of the law.

The Duke of CAMBRIDGE, referring to what had fallen from a noble Lord (Lord Melville), observed that the military service was a profession of honour. Of late years every possible means had been adopted to raise the character of the service, and, therefore, he should think it very unfortunate if these ticket-of-leave men should in any manner be allowed to enter the army. The general intercourse between the men in the army was such, that if a black sheep got among them, his bad influence spread throughout the regiment. Therefore, though admitting that this was a most important and difficult question to deal with, he hoped that some means would be taken to prevent ticket-of-leave men from getting into the service.

ACCIDENTS ON RAILWAYS BILL.

House in Committee (according to Order).

Clause 1 *agreed to,* with verbal amendments.

On Clause 2, which gives power to the Board of Trade to require the substitution of a bridge for a level crossing,

The Earl of EGLINTON objected to powers being given to the Board of Trade to order a railway company to construct a bridge at any place where they might think fit.

Lord STANLEY of ALDERLEY said, the power given to the Board of Trade in this clause was similar to that which was conferred upon them in every railway bill, and it was dictated solely from a regard to the public safety.

Some verbal alterations having been made in the clause,

On the question that the clause as amended stand part of the Bill,

Content 26; Not Content 22: Majority 4.

Remaining clauses *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 2, 1855.

Minutes.] Public Bills.—1° Union of Contiguous Benefices.

3° Dublin Carriage Acts Amendment; County Palatine of Lancaster Trials; Piers and Harbours (Scotland).

SUNDAY TRADING BILL—RIOT IN HYDE PARK.

Viscount GODERICH: Sir, I wish to ask the noble Lord the Member for Middlesex whether it is his intention to proceed with the Sunday Trading Bill?

Lord ROBERT GROSVENOR: Sir, in answer to the question of the noble Lord who has just sat down, I beg to say that I am in rather an awkward predicament. Nobody likes to be mobbed and bullied out of a measure which was introduced with feelings and intentions so dissimilar from those which have been so industriously attributed to me. I hope that the House and the country will recollect that this is not a measure for the better observance of the Sabbath; that it interfered with no man's recreation. [*A cry of* "Order!"] I am going to conclude with a Motion, and any hon. Member who pleases can answer me. I was saying that this is not a Bill for the better observance of the Sabbath, and that it interferes with no man's recreations or religious convictions, but that it was brought in for the purpose of procuring as large an amount of holiday as possible during one day of the week for the overtaxed thousands of the metropolis. But, considering that this is one of those measures which are peculiarly liable to misrepresentation and ridicule, and that that ridicule and misrepresentation have been most unsparingly exercised with regard to it; considering, also, the late period of the Session, and the formidable opposition I am threatened with, I think it would not be right to keep up the irritation that at the present moment exists for the bare chance of passing this measure during the present Session of Parliament. I, therefore, if the House, which has so cordially supported me in the progress of this measure, will permit me, will move that the Order of the Day which stands for Wednesday next for the further progress of the Sunday Trading Bill be now discharged.

MR. OTWAY: I beg, Sir, to congratulate the noble Lord the Member for Middlesex upon the course he has so judiciously adopted; but, while I do so, I cannot help expressing my sincere regret that the noble Lord on a former occasion, when he was called upon not to go on with the Bill, did not conform to what appeared to be the general sentiment of the House. ["No, no!"] But, whether that be so or not, I wish to ask the right hon. Gentleman the Secretary of State for the Home Department a question relative to the proceedings which took place yesterday, and which I believe to be attributable mainly to the vacillation of the right hon. Gentleman. The Government has entirely abdicated its functions as a Government in this House with regard to this Bill. The noble Lord (Viscount Palmerston) has expressed himself in a most flippant manner with regard to it, and the course taken by the right hon. Gentleman the Home Secretary having been most vacillating and uncertain, I believe that to that conduct is to be attributed the tumult in Hyde Park yesterday, the loss of life which I believe to have also occurred, and the incarceration of 104 of our fellow-citizens in the gaols of this town. Since the noble Lord (Lord R. Grosvenor) has expressed his intention of yielding to the general wishes of the country, and to withdraw a Bill which I believe to be most mischievous and pernicious, I wish to ask the right hon. Baronet (Sir G. Grey) whether it is his intention to procure the liberation of the 104 persons now in gaol for having assembled, I believe legally and properly, yesterday in Hyde Park, and also whether he will lay before the House a copy of the instructions given to the police on that occasion?

SIR GEORGE GREY: Sir, I do not know to what the hon. Member refers when he speaks of my vacillation. I do not remember the hon. Gentleman taking any part in the Committee against this Bill. [MR. OTWAY: I voted against the second reading.] In the Committee, when the discussion took place, I expressed my opinion regarding several of the clauses, and I was prepared to express it again upon the subsequent part of the Bill if the noble Lord had proceeded with it. With regard to this Bill I do not know that I am justly chargeable with vacillation. It has already been stated that this was not a Government Bill, having been introduced by the noble Lord the Member for Middlesex. With regard to the proceedings in question, I was informed by the Commissioners of Police that several notices had been published in different parts of the metropolis calling upon persons to assemble in large numbers in Hyde Park on Sunday, with the evident intention of creating disturbance and disorder. Now it is the privilege of the people of this metropolis—a privilege which is not enjoyed in an equal degree by the inhabitants of any large city upon the Continent—to have the free enjoyment of the parks in and about London, and I do not know a more gratifying sight than to see the people thus assembled for the purpose of enjoying themselves. But nothing could be a greater dereliction from duty on the part of any person holding the office that I do than to allow a monster meeting, summoned by public advertisement, to take place in one of the public parks on Sunday, thus interfering with the right of enjoyment by all persons in those parks. The police, therefore, under my direction, issued a notice warning persons against assembling for the purpose contemplated, and a body of police was stationed in different parts of the park. But it was not until the carriage road had been obstructed, and hooting and noise had taken place, which caused several horses and carriages and riding horses to run away, to the risk of life, that an order was given to clear the carriage road. In the course of the afternoon a good many persons were taken into custody, and the hon. Gentleman (Mr. Otway) asks me whether it is my intention to order their release. I am told that there are not 104 persons in custody charged with disorderly conduct, but seventy-one persons have been reported to me as having been apprehended for assaulting the police and for riotous conduct. The remainder belong to that large class of persons always assembled on occasions of this kind—pickpockets—and I suppose that it is not desired that any prerogative of the Crown should be exercised to release these persons from the consequences of the offences with which they are charged. With regard to other cases, they are by this time brought before the magistrate, and I do not think it necessary with regard to them to interfere with the ordinary administration of public justice.

After a short discussion, in which Mr. T. Duncombe, Mr. Wilkinson, and Mr. W. J. Fox instanced charges against the police, which were afterwards the subject of investigation before a Commission,

Order for Committee *discharged;* Bill withdrawn.

PROFESSORSHIP OF CIVIL LAW AT OXFORD—QUESTION.

Lord STANLEY said, a few words of explanation were necessary before putting a question of which he had given notice. The Regius Professorship of Civil Law at Oxford had been treated as almost a sinecure, but there had sprung up a general desire on the part of the University to render it more efficient. With that view, a new statute was proposed, according to which the office was endowed with 300*l.* a year, subject to conditions, three of which were that the professor should reside six months in the year at the University, that he should give at least one course of lectures in the year, and that he should receive classes. That statute had not passed, but was under consideration, and there was a very general opinion in favour of it. Under those circumstances, he was given to understand that the office, which became vacant by the death of Dr. Phillimore, and the appointment to which was in the hands of the First Lord of the Treasury, had been, or was on the point of being, filled up by the appointment of Dr. Twiss, who had a large practice at the Admiralty and at Doctors' Commons. He wished, therefore, to ask whether any security had been taken for the fulfilment of the conditions to which he had referred, in accordance with the general wishes of the University?

Sir G. Grey

Viscount PALMERSTON said, when it became his duty to take steps for filling up the Regius Professorship of Civil Law at Oxford he was deeply impressed with the necessity, adverted to by the noble Lord, that the office should become really efficient, and not continue, as it had been, very inefficient. The name of Dr. Twiss was suggested to him as that of a gentleman eminent in his profession by his talents and acquirements, and highly qualified to fill that appointment. He communicated with Dr. Twiss, and put to him to consider whether it would suit him, in accepting the office, to engage to perform all those local duties which might be required, either by any new regulations or any existing statute. It being desirable that the appointment should be filled up without any further delay, Dr. Twiss accepted it, with the distinct pledge on his part that if any new regulations should be established which should render the performance of his duties at Oxford incompatible with his avocations in London, he would resign the appointment as readily as he then provisionally accepted it. Therefore, it so stood that the appointment of Dr. Twiss in no degree tied the hands of the University with regard to any regulations they might make for residence, lectures, or any other duties connected with the Professorship of Civil Law.

DEATH OF LORD RAGLAN—HER MAJESTY'S MESSAGE.

Viscount PALMERSTON appeared at the Bar of the House, and, being called on by Mr. Speaker, announced a Message from Her Majesty.

Message from Her Majesty, *brought up,* and read by Mr. Speaker (all the Members being uncovered), as follows:—

"Victoria R.

"Her Majesty, taking into consideration the great and brilliant services performed by the late Fitzroy James Henry Lord Raglan, Field Marshal in Her Majesty's Army, and Commander in Chief of Her Majesty's Forces at the seat of War in the East, in the course of the hostilities which have taken place in the Crimea, and being desirous, in recognition of these and his other distinguished merits, to confer some signal mark of Her favour upon his widow, Emily Harriet Lady Raglan, upon his son and successor to the title, Richard Henry Lord Raglan, and the next surviving heir male of the body of the said Richard Henry Lord Raglan, recommends to Her faithful Commons the adoption of such measures as may be necessary for the accomplishment of that purpose.

"V.R."

Viscount PALMERSTON: I propose, Sir, that Her Majesty's most gracious Message be taken into consideration in a Committee of the whole House to-morrow at six o'clock.

EDUCATION (SCOTLAND) BILL.

Order for Committee read.

House in Committee.

Mr. HADFIELD said, he begged to move "That the Bill, having been officially declared by the right hon. and learned Lord Advocate of Scotland to be exclusively a Presbyterian Bill, and not, as it stated in the title thereof, 'A Bill to provide for the Education of the People of Scotland,' and that such declaration having been approved by the Committee of Council on Education; and considering that all denominations of Christians in Scotland, except Presbyterians, and others would be virtually excluded from partaking of the benefits intended to be provided by such Bill, though they would be liable to be assessed under the same; and also, considering that the several bodies of Presbyterians are disagreed among themselves as to the objects intended to be promoted by the said Bill, or mode of accomplishing the same, and the restrictions and conditions thereof, while some of them are actively and entirely opposed to the said Bill; and considering, further, the numerous petitions that have recently been presented against it, it is resolved that the Chairman do report progress." The Bill was now completely altered from its original shape, and instead of its being a measure to provide for the education of the whole people of Scotland, it was only intended to benefit one section—the Presbyterians. Neither the Episcopalians nor the Roman Catholics were to be at all benefited by the Bill; and of the Presbyterians, two out of the five sects into which that body was divided were inimical to the measure. It was originally said there was to be no test for schoolmasters, but the Lord Advocate had an Amendment on the paper which would institute one of the worst tests ever devised, by which a man was required to subscribe not merely to the Thirty-nine Articles, but to a catechism of some 107 Articles. He therefore contended that the Bill was now so changed in spirit and principle, that, looking at the advanced period of the Session, and the improbability of the Bill being passed into law, the best course would be to get rid of it altogether.

Mr. W. WILLIAMS said, he wished to ask the noble Lord at the head of the Government how it was proposed to deal with the money which had been voted for education in England and Wales? According to the calculation of the hon. Member for Berwickshire (Mr. F. Scott), a sum of 200,000*l*. would be required to put this system in force in Scotland, so that for England and Wales, where education was in a far worse state than in Scotland, there would only remain for purposes of education a sum of 181,000*l*. as the whole sum voted for education in Great Britain, was 381,000*l*. He was far from being desirous of checking the progress of education in Scotland, but he thought that it was the duty of English Members to insist upon there being an equality throughout the country, and taking the difference of the population of Scotland from that of England and Wales, if a sum of 200,000*l*. were expended in Scotland, no less than 1,000,000*l*. ought to be expended in England and Wales.

Viscount PALMERSTON said, that the Vote which would be taken that year for the purpose of education would be applied in the same manner as former Votes, under the direction of the Committee of Privy Council. The hon. Member for Lambeth was, however, mistaken in supposing that the Bill, if passed, would involve so large an increase in the allowance for education in Scotland as he had stated. It was impossible to state precisely, until the surveys were made, what would be the total amount required, but he (Lord Palmerston) thought it would not exceed 80,000*l*. With respect to the Motion of the hon. Member for Sheffield (Mr. Hadfield), he would submit to the Committee that this measure was one of great importance, and one which ought to be discussed in its details and merits; and he thought that the time of the Committee would be unprofitably employed if hon. Members were called upon to discuss the question whether or no they should proceed with the Bill, rather than in considering its merits. He trusted that the Committee would proceed in a practical manner, and apply itself to the transaction of the real business for which it had met.

Mr. CUMMING BRUCE said, that the Motion of the hon. Gentleman (Mr. Hadfield) had been made without his concurrence, or that of those Scotch Members who had taken the same view of the Bill as himself. He had opposed the Bill at the second reading, but had been defeated; and, as he feared that by the use of an official instrument in the person of the right hon. Member for Wells (Mr. Hayter), any attempt of his to obtain a modification of the measure would be again defeated, he should, if the hon. Gentleman divided the Committee, vote in the same lobby with him.

Sir GEORGE GREY said, he trusted that the Committee would at once proceed to discuss the details of the measure, as those hon. Gentlemen who objected to its principle would have an opportunity of opposing it on the third reading.

Mr. GRANVILLE VERNON said, he hoped that the noble Lord would take steps for the appointment of a Minister in that House to represent the Committee of Council, for, in his opinion, the expenditure of the large sums of money which were annually voted for educational purposes ought to be brought more directly before the House.

Mr. F. SCOTT said, that if the right hon. and learned Lord Advocate would give him the *data* upon which he founded his calculation as to the expense which would be involved by the Bill, he would compare it with his own calculation and endeavour to arrive at a right conclusion, but at present he saw no reason to alter the opinion which he, upon calculation, had formed, that the expense would amount to 200,000*l.*

Mr. HADFIELD said, that, since the general feeling of the Committee appeared to be against it, he would not persist in his Amendment.

Amendment, by leave, *withdrawn.*

Clauses 14 to 18 *agreed to.*

Clause 19 (Ratepayers in parishes to consider proposal to found Public Schools).

Mr. BLACKBURN said, he wished to inquire why the clause should only take cognisance of the existence of burgh and parochial schools, when it was known that there were in many parishes other endowed schools? He thought the present clause was inconsistent with the 9th clause.

The LORD ADVOCATE said, the object of the Bill was to establish complete uniformity in the schools to be provided by the measure, irrespective of the voluntary schools. His object was to extend the parochial schools and make them adequate to the wants of the people of Scotland. They had a national system of education in Scotland, but there were great deficiencies in it.

Sir ARCHIBALD CAMPBELL said, he would not say that the object of the Bill was to take the education of the people out of the hands of those who now had the control of it, and to transfer it into the hands of the Government, but he certainly considered that such would be the effect of the measure.

Mr. STIRLING said, he fully concurred in the objection taken by the hon. Member for Stirlingshire (Mr. Blackburn), and, with a view to obviate it, he would beg to move, that after the word "parochial," the word "and" should be struck out; and that after the word "burgh," the words "and other" should be inserted, so that the clause would run thus—

> "Whenever the Inspector had ascertained that the means of education afforded by the parochial, burgh, and other schools were inadequate, he should report the same to the Board."

Mr. BLACKBURN said, he must advert to the injustice of taxing all districts alike, without reference to their requirements. He would point out the case of Heriot's Hospital, in Edinburgh, from the revenues of which schools had been established in various districts. Under the clause proposed Edinburgh would be assessed for schools as though such institutions had never existed there.

Mr. FERGUS said, he thought, if a statistical return could be properly made, the amount of educational destitution would be found much greater than was believed. He believed, too, that the Bill—which he admitted was, as far as it went, a good measure—would fail to reach the educational wants of the country. Such means as were now adopted, relying upon the parents' will alone, would never bring education to the children in those great towns where it was most needed, and he could not help thinking that a compulsory system must sooner or later be established.

Mr. MIALL said, there might be some

difference of opinion whether the voluntary principle alone should be relied upon for the promotion of education, but there could be none that that principle should not be cast aside where it already existed. The Bill proposed to ignore all existing schools not dependent on rates or national grants, and the practical consequence would be, that no schools on the voluntary principle would be allowed to exist in Scotland; and this was called a liberal measure, supported by Liberal Members.

The LORD ADVOCATE said, that by the 9th clause it would be the duty of the inspectors to furnish to the Secretary of State detailed reports of the educational condition of each district, so that the wants of each burgh or parish in Scotland would be accurately known. He agreed with the hon. Member for Fifeshire (Mr. Fergus) that the Bill would not in all respects reach the existing amount of educational destitution, and it might be a question hereafter whether some kind of compulsory system ought not to be adopted. But, before they rendered it compulsory upon parents to send their children to school, there must be schools provided for them in every district. If, by the clause now under consideration, all private schools were to be recognised it would render the Bill completely nugatory. He therefore entreated the Committee not to destroy the integrity of the clause, which was, indeed, the very hinge of the Bill.

Sir ARCHIBALD CAMPBELL said, he considered the provision calculated to suppress voluntary efforts to promote education.

Mr. CUMMING BRUCE said, he hoped his hon. Friend would not be content with the alteration agreed to be made by the right hon. and learned Lord, and would press his Amendment.

Mr. BLACKBURN said, he must condemn the attempt to set up an educational "platform," establishing a forced uniformity throughout the country, with schoolmasters' salaries at 50*l*. a year all round, whatever might be the varying circumstances of different districts. He also maintained that a compulsory attendance, if deemed advisable, might be combined with the retention of voluntary schools.

Mr. APSLEY PELLATT said, he thought the object intended was to extinguish all voluntary schools in Scotland, which amounted to nearly 3,000 in number. He should, therefore, divide against the clause.

Mr. VANSITTART said, as an English Member, he must protest against the compulsory spirit of the provision, than which nothing could be more worthy of the Inquisition. It was also directly antagonistic to the system under which the Privy Council distributed its educational grants.

Mr. F. SCOTT said, he would suggest that the inspectors under the Bill should be required simply to ascertain whether the means of education in their respective districts were inadequate, without limiting their inquiry to the education afforded merely, "by the parochial and burgh schools."

Mr. CUMMING BRUCE said, he could not avoid making a remark upon the absence of English Members from the present discussion. There never was a more fatal error than for those hon. Gentlemen to suppose that the Bill would not affect their own country. If ever there was a case in which the rule of *Proximus ardet Ucalegon* applied, certainly it was the present. A purely secular system of education could not be introduced into Scotland—as would be the ultimate effect of the Bill—without exposing England to the danger of a similar measure. Having an excellent combined religious and secular system now in operation in Scotland, the representatives of that country ought to declare *Nolumus Scotiæ leges mutari.*

Mr. SMOLLETT said, there were several efficient voluntary schools in his district, and he thought the ratepayers would feel it very hard on them if they were compelled to pay for the erection and support of another school.

Mr. VANSITTART said, he considered the Bill entirely opposed to the principle which had, up to this time, done so much for education in the country—that of allowing every sect to instruct their own children. The concession which had been made was entirely in the spirit of the solemn league and covenant.

The LORD ADVOCATE said, that after the wishes expressed by hon. Members in various quarters he was willing to adopt the suggestion made by the hon. Member for Perthshire (Mr. Stirling).

Mr. BLACKBURN said, he would now move, as an Amendment, to omit the words, "That it shall be in the power of such meeting, by the votes of a majority then present, to resolve that such additional school shall be established," objecting to the power thus given to any party which could obtain a majority to establish additional schools.

Question put, "That the word proposed to be left out stand part of the clause."

The Committee *divided* :—Ayes 40; Noes 73: Majority 33.

Clause, as amended, *agreed to;* as were also Clauses 20 to 25 inclusive.

Clause 26 (Public Schoolmasters shall produce Certificates and pass Examination.)

Mr. E. ELLICE said, he wished to propose a proviso to the effect, that no schoolmaster should hold the office of inspector of the poor after the passing of the Bill, except such as might now hold the office and were approved by the General Board.

Mr. W. LOCKHART said, he should oppose the Amendment on the ground that there were many small parishes in Scotland in which it would be impossible to find a fit person to act as inspector of the poor, unless the parochial schoolmasters were permitted to take office.

Mr. CRAUFURD said, he should oppose the Amendment, on the ground that it would fetter the discretion of school committees, who were the best judges of the propriety of allowing schoolmasters to engage in other occupations.

Mr. FERGUS said, he very much regretted that the Amendment did not go further, for schoolmasters in Scotland were frequently employed not merely as inspectors of the poor, but as sessions clerks, land surveyors, and in other capacities. He knew one parish in Fifeshire, where the schoolmaster was employed as inspector of the poor, and he believed that during the last five years the highest number of children who had attended the school at the same time had been ten or twelve.

Mr. BLACKBURN said, he thought that in many parishes the schoolmaster was the person best qualified to act as inspector of the poor, and that he could discharge the duties of such an office without neglecting his duties as schoolmaster.

The LORD ADVOCATE said, that although in many cases, great inconvenience had undoubtedly resulted from schoolmasters having undertaken duties entirely unconnected with the management of their schools, yet in the Highland districts, it might frequently be impossible to find any persons except the schoolmasters who were qualified to act as inspectors. He would therefore suggest that it should be left, not to the school committees, but to the General Board, to permit schoolmasters, in special cases, where they thought it necessary, to act as inspectors of the poor.

Mr. E. ELLICE said, he would withdraw his Amendment, and leave the matter in the hands of the Government.

Amendment *withdrawn;* clause *agreed to.*

Clause 27 (Religious instruction to be given in Parochial and Public Schools.)

Mr. SMOLLETT said, he proposed to prefix to the clause the following words—

> "The religious instruction to be given in all Parochial and Public Schools under this Act shall be in accordance with that heretofore in use in the Parochial Schools of Scotland; but"

The LORD ADVOCATE said, that at present there was in every school in Scotland, with few exceptions, an hour set apart for religious instruction, during which children belonging to other denominations were not bound to attend. He thought it desirable to put that in the Bill, to show that the old practice in Scotland was to be continued. At the same time he did not like to legislate more than was necessary on religious subjects, and thought the proposed words unnecessary, their substance being set forth in the preamble of the Bill.

Mr. BLACKBURN said, that in none of the clauses was it enacted that the religious instruction referred to in the preamble should be given.

Mr. F. SCOTT said, he should support the proviso, believing that the people of Scotland wished for some such declaration.

Question put, "That those words be there inserted."

The Committee *divided* :—Ayes 38; Noes 93: Majority 55.

Sir JAMES FERGUSSON said, he wished to move a proviso to the clause, to the effect that in cases of non-attendance on religious instruction, the parents or guardians of the children objecting should produce a certificate from the ministers of the religious denominations to which they belonged, that they received religious instruction. He thought it of the greatest importance that care should be taken that the children should receive religious instruction of some kind. That was the first time a Bill had been introduced by the Government separating religious from secular instruction.

The LORD ADVOCATE said, he must deny the assertion of the hon. Member for Ayrshire: the Bill only carried out the principles of the present established schools in Scotland. He maintained that the promoters of the Bill were as anxious to further religion as any of its opponents. But if the certificate suggested were required, the result would be that when it was not possible to furnish it, the children in question would be debarred from the benefit of the secular instruction furnished in the schools. He could not assent to the Amendment.

SIR JAMES FERGUSSON said, he did not wish to deprive any child of secular education; he only wanted an enactment that religious instruction should be given in some way, and he proposed to secure it by requiring a certificate from the minister.

MR. F. SCOTT said, the professions of the right hon. and learned Lord as to care for religious instruction were not carried out in the Bill. If the right hon. and learned Lord was sincere in those professions, it was unaccountable that he should always object to Amendments calculated to promote the object. The principle of the Bill was the separation of secular from religious education. Hitherto religious instruction had pervaded the whole of the education. Now it was to be given only at certain specified hours. The right hon. and learned Lord refused to introduce any guarantee for religious instruction.

MR. BARROW said, he was anxious for religious instruction, for he believed that secular instruction alone did not deserve the name of education. The right hon. and learned Lord declared that the Bill would not interfere with religious instruction; but if containing no guarantee for such instruction, it would surely produce the impression that secular instruction alone might be sufficient.

SIR JAMES FERGUSSON said, he would withdraw his Amendment.

On the Motion that the clause stand part of the Bill,

MR. ALEXANDER HASTIE said, he should move that the clause be omitted altogether. He agreed that no sound education could be given that was not based on religion; but he had so much faith in his countrymen that he was quite sure, without an enactment of the kind, a sound religious education would be given by the parents.

MR. HADFIELD said, he should support the Motion for the omission of the clause, and he did so because it was wrong and an injustice to tax people in support of an institution in which they were not partakers, and to which they had a moral and religious objection. If this clause were retained it would raise a religious war in Scotland akin to that which had prevailed from time to time in England on the subject of church-rates.

MR. MIALL said, he objected to the clause, on the ground that it was framed so as to exclude from the benefit of the Bill one-third of the Presbyterians of Scotland.

LORD WILLIAM GRAHAM said, the clause was very unpopular in Scotland, and he would vote for its omission.

Question put.

The Committee *divided*:—Ayes 87; Noes 79: Majority 8.

Clause *agreed to;* as were also Clauses 28 to 37 inclusive.

Clause 38 (The Board may aid Industrial and Reformatory Schools).

THE LORD ADVOCATE said, he wished to propose the addition of the following proviso—

"Provided always, that it shall not be necessary for any industrial or Reformatory School in Scotland, in order to obtain the sanction of the Secretary of State, under an Act passed in the seventeenth and eighteenth year of the reign of Her present Majesty, intituled 'An Act to render Reformatory and Industrial Schools in Scotland more available for the benefit of vagrant children,' to provide accommodation within the premises of such school for the lodging and residence of such vagrant children. Provided always, that the rules of such school are otherwise satisfactory as provided by the said Act; and so much of the said Act as restricts the power of the sheriff to transmit vagrant children to such school or schools within his jurisdiction is hereby repealed."

MR. BLACKBURN said, he objected to the proposed Amendment, on the ground of its introducing matter not originally contemplated by the Bill, namely, the reformation of criminal offenders.

Motion made and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 125; Noes 51: Majority 74.

Clause *agreed to;* as were also Clauses 39 to 48 inclusive.

House resumed.

Bill *reported.*

Motion made, and Question proposed, "That the Bill, as amended, be considered on Thursday."

Amendment proposed, to leave out the words "as amended, be considered," and insert the words "be recommitted," instead thereof.

Question proposed, "That the words,

'as amended, be considered' stand part of the Question.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill, as amended, to be considered on *Thursday,* and to be *printed.*

EDUCATION (No. 2) BILL.

SIR JOHN PAKINGTON said, that he stated last week that he would on an early day declare the course he should take with regard to the Education Bill under his charge, and he should now move that the Order of the Day for the adjourned debate on the second reading be discharged. He had two reasons for taking that course—firstly, on any business with which he was connected he was always desirous of meeting the wishes of the House, and he believed that it was the wish of the House that they should not spend any more nights at that period of the Session in debating measures which were not to be passed into law. Another reason was, that in his belief any division which might be taken on the Bill would be taken now under serious disadvantages. The noble Lord at the head of the Government had offered Friday night for the resumption of the adjourned debate, but assuming that the House came to a decision then, which was by no means certain, it would be taken after debates which had taken place on three different occasions, the first in the month of May, the second in the month of June, and the third in the month of July. A subject of such great importance ought certainly not to be settled except after full, close, and consecutive discussion. Looking then to the magnitude of the question, he thought that he should best discharge his duty by not proceeding with the Bill during the present Session. He might, however, be allowed to say that he had devoted much thought and labour to the measure, and he could not part with it without expressing an earnest hope that the House would not let such an important subject rest where it was, and that in an early Session, he hoped the next Session, the question would be brought to a settlement on the principles laid down in his Bill. He believed the question could not be settled on any other principles. Those principles were these—First, that there should be no unnecessary interference with existing agencies, which had done and were doing much good. Secondly, that the deficiencies of existing agencies should be supplied by means of a public fund, administered by the local authorities; and thirdly, that the religious element should be retained in our system of education, but that it should be combined with the most perfect respect and toleration for all denominations of dissent from the Established Church. He believed that when the question came to be settled, it must be settled on those main principles, and which could not be applied to education without legislation. Much had been said of the efficacy of the voluntary system, but he was glad to hear the noble Lord (Lord J. Russell) say that although that system had done much—and he (Sir J. Pakington) admitted it had done much—it could not overtake or meet the ignorance prevailing in the country. In bringing forward his Bill, he made statements with regard to the condition of education, and he was accused of exaggeration in his statements, and he was much pained by hearing that accusation repeated by the noble Lord the Member for London. Now that was a grave charge against a Member of long experience in that House dealing with such a subject. He would now emphatically say that he had studiously avoided exaggeration. The statements he had made were substantially true. He had said that in the quality of the teaching and in the numbers taught the majority of the states of Europe and America were in advance of this country. He had obtained that information from the best sources, and he adhered to the statement. He believed it to be strictly true, and if it was true, he could not as an Englishman regard it without deep shame. With regard to the condition of education in England, every statement he had made had been founded on official documents and obtained from official authorities, and in some instances he was informed that he had understated the facts. He had arrived at the conclusion that the children of the educated classes were divisable into three portions. The first was, that in which many children were well educated, and all of them fairly educated. The second portion were those who were sent to schools where they received some education, but in inferior schools, or their attendance was for so short a time that the training they received was worth little or nothing; while the third class were those who went to no schools, and received no systematic educational training. The last class was the smallest, but the second was much the largest. If this approximated to the truth, it was a state of things which

Parliament ought not to permit to continue, and he hoped and believed that the people of this country would not be content unless Parliament addressed itself to this important social question. The people would say that Members of Parliament could find time for party struggles, while great social questions were made matters of minor interest, and he believed they would call on Parliament to battle with the question in an earnest and serious manner, and soon to settle it on sound and benevolent principles.

Mr. HADFIELD said, that whenever the measure was brought forward again, he should feel it his duty to give it his strenuous opposition.

Lord JOHN RUSSELL said, that as the right hon. Gentleman (Sir J. Pakington) had alluded to him, and the next Bill on the Orders was one which he had introduced, he wished to say a few words. He honoured the right hon. Gentleman for the efforts he had made to raise the standard of education, and he agreed with him in the three principles he had laid down. He agreed with the right hon. Gentleman that it was desirable that popular education should be extended and improved, and that in extending and improving it, due consideration should be shown to those existing modes of education by which so much instruction had been afforded. He agreed also with the right hon. Gentleman in thinking that any system of education should be founded on a religious basis. He thought they would injure rather than serve future generations if they infused amongst the people an education in which religious instruction should not be given. At the same time, he also agreed with the right hon. Gentleman in thinking that, in doing this, they ought to respect the rights of conscience, and ought not to interfere with the religious convictions of the parents. When he spoke of exaggerated statements, he referred to the conclusion at which the right hon. Gentleman had arrived, and not to his statistics, which he admitted to be accurate and well founded. But he believed there was a value given to the education given in this country which was not to be found in the education given in some continental countries, although the number of scholars in those countries might be larger; and for that reason, that the people of this country had full religious liberty, and had open to them stores of literary study which his right hon. Friend (Mr. Macaulay) declared to be equal to the classical writings of antiquity. When it was borne in mind that the people of this country had open to them works of the highest conception, works of fancy and poetry, as well as the highest works of philosophical and historical reasoning, that must be in itself an education vastly superior to the education of those countries where the Government was fearful to admit such works, particularly in the department of morals and politics. He was lately amused by reading, that Southey's ballad, *The Old Woman of Berkeley*, was prohibited in Russia, because they would be too much frightened at reading it. That was a specimen of what was called a paternal Government. What he should like to do was to extend, and if possible to make universal, that system of education which they already possessed, rather than go into an entirely new system. Reference had been made in the course of the discussions to the schools of New England and other parts of the United States, but he certainly did not think that the schools in those places were at all analogous to those with which the Bills before the House proposed to deal. He was convinced likewise that the system of the United States, however well adapted it might be to the social condition of that country, was not suited to this country. Men like Mr. Everett and Mr. Webster might send their sons to be educated in the common schools of the United States, but it was not likely that the gentry of this country would send their sons to be educated in the common schools here. We must follow our own ways, our own genius, and the disposition of our own people, rather than that of the despotic States of the continent or of the United States of America. With regard to the future, therefore, his view was limited rather to the extending and improving the system of education they had than of introducing an entirely new one. There was one subject upon which the right hon. Gentleman had touched when he moved for leave to introduce his Bill, with regard to which he wished to say a few words—he referred to the Committee of Council of Education. When that Committee was appointed he did not think that any better means could be adopted for managing the Educational Votes than by intrusting the control of them to a council of several Ministers, but circumstances had since changed, and he thought that it would be for the benefit of the public service if the President of the Committee of Council were to be acknowledged as the Minister of Education, and that the department of education should be represented in that House by a person who might, perhaps, hold the rank of a Privy Councillor, and who might be able to defend any measure that might be adopted, and who would be prepared at all times to explain the views of the Government with regard to the general question of education. As to the steps necessary to be taken to carry that view into effect, he could assure the House that the whole subject was under the earnest consideration of the Government, and they hoped in an early Session to be able to lay before Parliament a scheme for the regulation of an educational department.

Mr. MILNER GIBSON said, that it now became his duty to explain what he intended to do with his Bill. He presented a petition, signed by 62,000 of the adult male population of Manchester and Salford, in favour of a secular system of education, supported by local rates and applied by local authority. No less than 170 public meetings, held in twenty-eight different counties, decided in favour of the same plan. Indeed, no other plan, if to be supported by rates, met with any acceptance at all. The people of this country would not sanction a general system of rating for the teaching in schools of all religions, because it would be absurd, nor for the teaching of any one form of religion, because it would be unjust. He believed that if the State were to interfere in education at all, it had better confine itself to giving secular education in the schools, leaving religion to the care of the parents and the ministers of religion. He should regret if those whom he represented felt disappointed at the course he should take, but, under the circumstances in which he was placed, he could do nothing else than follow the example which had been set him, and withdraw his Bill. He should, however, bring forward his plan next Session.

Mr. WIGRAM said, he must beg to express his gratification at the statement made by the noble Lord. The value of the existing system could not be overrated. Mr. Mann said, that within five or six years from the present time there would be, according to the past progress of the existing system, fully one in every six of the population receiving all the advantages of it.

Mr. GRANVILLE VERNON said, he would beg to ask the noble Lord whether he would propose in the present Session the appointment of a Minister of Instruction.

Lord JOHN RUSSELL said, the Government wished to take time to consider the whole subject; though at the same time he should state that they fully contemplated renewing a measure next Session based upon the rating principle.

Lord JOHN MANNERS said, he would then give notice that whenever such a measure was brought forward he should be prepared to meet it with a direct negative.

Order for resuming Adjourned Debate on Second Reading (May 2) read and discharged.

Bill *withdrawn;* as was also Education Bill and Free Schools Bill.

JUSTICES OF PEACE QUALIFICATION BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Whereupon, Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 27; Noes 19: Majority 8.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, July 3, 1855.

Minute.] Public Bill.—1ª Dublin Carriage Acts Amendment.

THE QUEEN'S MESSAGE—THE LATE LORD RAGLAN.

Order of the Day for the Consideration of the Queen's Message of yesterday read.

The Message having been read by the Clerk at the table,

Lord PANMURE said: My Lords, in rising to move that Her Majesty's gracious Message be now taken into consideration, I trust that your Lordships will bear with me while I perform one of the most painful duties of my present position, a position which, my Lords, whatever may be its honour, is not unattended with deep distress, when we have to contemplate not simply the ravages of war, but also those which have been made by disease, and which are still more awful to contemplate when we think of the noble heads which have been bowed by this twofold scourge. My Lords, this occasion is particularly painful not only on account of the nobility of the victim, but also because we are called upon to record our national regret that one has been taken from the command of our army, in whom not only the nation had confidence, but whose merits as a soldier entitled him to the love and esteem of all. My Lords, it has pleased God to remove Lord Raglan from the head of the army in the Crimea; and it is a singular fact that the same calamity should have fallen upon both the great men who were originally placed in the command of the allied armies. France has had to grieve for the loss of St. Arnaud; and England has now to mourn the death of Lord Raglan.

My Lords, it is scarcely necessary for me, in speaking of the character of Lord Raglan, to remind your Lordships of the distinguished services which he has rendered to his country. At an early age he embraced the profession of arms with all the ardour of his noble blood, and with all the success that his eminent natural talents enabled him to achieve. In the year 1807, Lord Fitzroy Somerset was selected by, and associated with, that great commander the Duke of Wellington to serve upon his staff on the occasion of the expedition to Copenhagen. Sir Arthur Wellesley, with an eye which was more capable, I believe, than that of any other man of discerning the intrinsic merits of those whom he had to employ, singled out Lord Fitzroy Somerset to act upon his staff, and the intimacy which then sprang up between them increased from the year 1807 to the year 1852—in fact, during the whole life of the Duke of Wellington, Lord Raglan retained the confidence of that illustrious Captain, whose comrade it was his high privilege to be. My Lords, there was no action or service in which the Duke of Wellington was engaged in the Peninsula in which, I believe, Lord Raglan did not take part; and it was his singular good fortune, in the only siege which seems to bear a comparison with that which he was conducting at the time of his death—namely, the siege of Badajoz—to be among those who were foremost in the breach at the capture of that fortress, and, as history informs us, to him it was that the Governor of Badajoz surrendered his sword. My Lords, we may follow Lord Raglan through almost every field of the Peninsular campaigns, until we find him achieving to himself glory and an imperisable name at the Battle of Waterloo, where he had the misfortune to be wounded, and sustained the loss of an arm. At the close of the war, in 1815, instead of retiring into private life, or giving himself up to the enjoyment of social ease, he still devoted himself to the public service, and continued to do so until the hour when it pleased the Almighty to remove him from this earthly scene. My Lords, during the forty years of peace which this country enjoyed, I believe that the benefits which Lord Raglan rendered to the army by the mode in which he assisted successive Commanders in Chief at the Horse Guards with his able advice and co-operation were not less valuable to the country than his services were eminent in time of war. My Lords, I am, perhaps, somewhat capable of judging of the manner in which he discharged his public duties. For six years I was associated with that noble Lord as Secretary at War, and I had then the opportunity of witnessing the calmness with which he conducted all matters connected with his department, his high sense of honour, and his anxiety at all times to promote the welfare of that service in all its ranks, whose interests, from the highest to the lowest, he had so much at heart. My Lords, that noble Lord won for himself all the laurels to which a soldier could aspire; and he also gained for himself, from the Government of the noble Earl opposite (the Earl of Derby), with the full approbation of the country, the honours of the peerage. My Lords, he has now been removed from amongst us, but not until he had had the opportunity of showing that, although years had crept upon him—though he had reached that period of life when every man would naturally be disposed to rest from the labours that had occupied his preceding years—yet no sooner did the conflict commence than he cheerfully offered his services to his country, by which they were with avidity accepted, and he took that command for which no man in England was better qualified. My Lords, you all know with what success Lord Raglan has conducted the army in the East in all the operations in which it has been engaged. But few of your Lordships do know that to which the Government is capable of bearing testimony—namely, the signal success with which Lord Raglan conducted that intercourse between the allied armies of England and France, and helped to promote that perfect community of feeling and unity of action between the two forces, without which no conjoint operations could have prospered. Indeed, my Lords, I should say that if there was one point in which Lord Raglan's peculiar talent was more conspicuous than another, it was in the manner in which he maintained the alliance between the two great countries, establishing between the soldiers of both armies the most intimate and friendly relations, and serving to consolidate both Empires in an alliance which I trust will never again be disturbed. My Lords, these are services the importance of which I do not think I exaggerate when I describe them as invaluable. That noble Lord's career is, alas, now closed. His iron frame has had at last to succumb to the power of disease, and we are now called upon to honour one who is now at rest with all a soldier's honours thick upon him. He has gone beyond the reach of criticism, and the tongue of calumny can no longer reach his ear. In the death of that noble Lord, England laments the loss of an intrepid warrior, a great commander, and an accomplished gentleman, as well as a noble and distinguished citizen.

My Lords, it is not for me, on such an occasion as this, to enter into details of that which will appear before your Lordships in another shape; but, at the same time, while paying a tribute to the late commander of our army, I cannot altogether pass by those who have fallen at his side, or forbear from asking your Lordships to honour such names as those of Cathcart, Strangways, Campbell, Adams, Estcourt, Yea, Shadforth, Egerton — names, my Lords, to which I might add, I regret to say, many others which will equally live in the memory of the nation and in the history of their country, and which will swell the long list of those whose valour has shed lustre on our arms. I will move—

"That a humble Address be presented to Her Majesty to return Her Majesty the Thanks of this House for Her Majesty's most gracious Message, informing this House 'That Her Majesty, taking into Consideration the great and brilliant Services performed by the late Fitzroy James Henry Lord Raglan, Field Marshal in Her Majesty's Army, and Commander in Chief of Her Majesty's Forces at the Seat of War in the East, in the Course of the Hostilities which have taken place in the Crimea, and being desirous in Recognition of these and his other distinguished Merits to confer some signal Mark of Her Favour upon his Widow Emily Harriet Lady Raglan, upon his Son and Successor to the Title, Richard Henry Fitzroy Lord Raglan, and the next surviving Heir Male of the Body of the said Richard Henry Fitzroy Lord Raglan,' and to assure Her Majesty that this House will cheerfully concur in such Measurs as may be necessary for the Accomplishment of this important Purpose."

THE EARL OF DERBY: I must beg pardon of my noble and gallant Friend (the Earl of Cardigan), who had also risen, for interposing; but, however unnecessary it may be, I should do justice neither to what I feel to be my duty nor to my deep and sincere feelings on this occasion, if I did not take the earliest opportunity of rising to express, however feebly, my full and entire concurrence in the grateful tribute which has been paid by my noble Friend the Secretary of State for the War Department to the too long list of those whose loss this country has to deplore while it venerates their memory, and more especially to that illutrious commander who, at no very early period of his life, yet too early for his country's good, has been withdrawn in the midst of an arduous and protracted struggle. My Lords, I am confident that amongst all your Lordships and in this country generally there is but one feeling—of earnest admiration, mingled with deep regret—at the melancholy event which has so suddenly deprived our brave army of its gallant commander. It has not been his lot, indeed, to fall upon the battle field. It has not been his to fall in the moment of victory. His has been the far bitterer fate to fall by disease and pestilence at a moment of disappointment and loss. Thus has he fallen, amid the regret of two armies, and of the two greatest nations in the world, who alike will do justice to his military merits and to his personal character. He is gone—and he has left behind him a name as an English soldier and an English gentleman which will reflect additional honour upon the long race from which he sprang. It is not for me—it would be most unbecoming in me—to attempt a panegyric upon his military merits and services. Such a duty will more fittingly devolve upon one or other of his noble comrades in arms, whom we are happy to see within the walls of your Lordships' House, and who best know how well he was entitled to that respect and veneration with which he was regarded by all ranks of the British army. My Lords, it was the singular fortune of Lord Raglan that although he had been concerned in greater, more important, and more extensive military services than almost any man of his time, yet he had

had fewer opportunities than any man—certainly than any man of his own rank, age, and station—of displaying his qualities for supreme command. It is impossible not to perceive that, during the whole of the early period of his career, those qualities which fitted him for high command, though they were, no doubt, perceived and appreciated by the quick and piercing intellectual eye of the great commander under whom he served, and were possibly fostered by him, were overshadowed by the stupendous genius of his mighty chief. But, though acting as a subordinate, it is no slight praise to say that, not only, as my noble Friend has stated, did Lord FitzRoy Somerset early extract the attention of his great commander, but that from 1807 to 1852, whether in the field or the Cabinet, the Council or the Horse Guards, he equally maintained that which was a great distinction, and which without great ability, great integrity, and great fidelity, he never could have maintained—the unhesitating and unceasing friendship and the entire and unlimited confidence of that great man. Again, at a later part of his career, when, with an absence of all selfish consideration which reflected upon him the highest credit, he volunteered to lead the armies of England in the campaign which is now going on, the hasty manner—I trust I may be forgiven for saying so—the hasty manner in which the campaign was conceived, the inadequate means which he had at his command, and the insufficient supply of the means of movement for the army, which, to a considerable extent, paralysed the exertions he might otherwise have made, prevented the full display of his military talents. But, although, as my noble Friend has said, we may all be aware of the physical obstacles which Lord Raglan had to encounter, it cannot be known, perhaps it never will be known—at all events it will not be known until the present generation shall have passed away and this war become matter of history—what other obstacles, what other difficulties, what other impediments, he had to surmount for the purpose of obtaining that share of success which has thus far crowned the arms of the allied Powers. But, my Lords, of this there is no doubt—for there has been an uniformity of testimony which leaves no possibility of doubt—that few other men in Lord Raglan's position could have so completely and entirely overcome the inevitable difficulties and embarrassments of a divided command, or could have done so much as he has done, by his temper, by his moderation, and by his invariable good humour and courtesy, to consolidate a feeling of perfect confidence and goodwill, not only between the two commanders and the two armies, but also between the two countries, whose intimate and close alliance is at this moment of most essential importance to the welfare of Europe. Perhaps it has not been in the field that the abilities of Lord Raglan have been most eminently displayed. During the long period of peace, to which my noble Friend has referred, there is no man who has come in contact with Lord Raglan—whether soldier or civilian—who has been connected with him either in his private affairs or in the performance of public duties, who will not bear testimony to the invariable courtesy and temper, to the habits of business, and to the justice and impartiality with which he administered the functions of the high office most of the labours of which, as is well known, during the latter years of the life of the Duke of Wellington devolved upon him. In that capacity, my Lords, Lord Raglan laboured unceasingly and successfully to promote the improvement of the military service of the country, and Lord Raglan will have long passed to his last rest before the British army will forget or cease to acknowledge how much for its efficiency, its discipline, and its comfort it is indebted to his unceasing efforts. My Lords, I think it is not the least of Lord Raglan's claims upon the public confidence and the public respect, as well as upon the public gratitude, that being, I fear, one of the illustrious examples to be found in the history of this country—and to be found in that of few others—of men who, after having for a long period been engaged in arduous employments, having performed distinguished services, and filled high and responsible offices, have at their deaths left their families and their nearest connections in circumstances by no means of ease and opulence—it is, I say, no little credit to Lord Raglan that, at a time of life when he might easily and gracefully have retired from the discharge of arduous duties, in the possession of a high and honourable office, which for the first time in his military career afforded him the slightest prospect of being able to lay by anything for a future provision for his family—that at that moment, at a time of life when he might still have hoped for many years to perform the duties and enjoy the emoluments of that office, unconnected with any political questions, and undisturbed by any political uncertainties—that at that moment, with a noble and disinterested forgetfulness of self, at the first call of the Government, at the first demand of his military duty, he was ready to sacrifice those prospects which might have insured him considerable pecuniary advantages, and contributed to the future comfort of his family, and, without a moment's hesitation, risked the valuable life which is amongst the noblest victims of the war in which we are engaged. My Lords, I say that all these circumstances—the military services of Lord Raglan, his long connection with the most illustrious captain of our day, whose confidence and friendship he possessed to an extraordinary degree — the services which he performed in the civil administration of the army—above all, the disinterested and noble manner in which, at the call of duty, he again girded on his sword and entered the field of war—and, in addition to that, the manner in which at the head of that army he has performed the most arduous and the most important duties entitle him, hardly less than his great master and chief, to the respect and veneration of the country at large. The gratitude of Parliament, however liberally will not be profusely displayed in a recognition of his distinguished merits. Most cordially, therefore, do I support this Address to the Throne, in which we assure Her Majesty that we share in the grief and concern which she feels at the loss of so valuable a servant as Lord Raglan, that we shall heartily concur in whatever means Her Majesty may graciously be pleased to employ to mark Her sense of his great merits, and that, in common with the country at large, we gladly avail ourselves of the opportunity afforded to us of marking our appreciation of his services, and our deep respect and veneration for his memory.

VISCOUNT HARDINGE: It is now nearly fifty years, my Lords, since I first had the honour of becoming acquainted with Lord Raglan. It was at the Battle of Vimiera, where he acted as aid-de-camp to the Duke of Wellington. He was but a young man, and we of the same age were astonished at the admirable manner in which he then performed the duties of his position; and the great respect with which he was treated by the Duke of Wellington was a subject of great astonishment to us all, until we had further opportunities of becoming acquainted with his merit. It was remarked on all occasions that if there was a word of advice to which that great man would listen with unusual patience, it was that which proceeded from Lord Fitzroy Somerset. During the whole period that the Duke of Wellington was in the Peninsula—with the exception, I believe, of a short time when he was in England for the benefit of his health—Lord Fitzroy Somerset was at his right hand. He was present at every one of those actions which illustrate the career of our great commander; on every occasion he was foremost in the field, and he displayed the same valour and the same cool intrepidity which have so conspicuously marked his conduct in the Crimea. In this last campaign he gained the admiration and respect of his soldiers by his coolness, collectedness, and calmness; while his quick perception of the nature of the ground, and the rapid manner in which he seized every advantage which offered itself during the movements of the enemy showed that time had not effaced the recollection of his former practice in the field. The courage and military ability which he displayed whenever he met the enemy in the field won for him the admiration and confidence of the whole army. In the civil administration of the army nothing could exceed the just, kind, and liberal manner with which he treated everybody who came into contact with him. I will not enter into all the details of what has taken place in the Crimea, but I must observe that no man could have a more difficult task to perform than Lord Raglan. One of the greatest advantages in military affairs is for a commander to have unity of action; but that advantage it was not Lord Raglan's fortune always to possess, because, as my noble Friend has stated, considering the position in which Lord Raglan was placed, there might arise occasions, in which, under other circumstances, he might have been enabled to make other dispositions. Suffice it, however, to say that on all those occasions he displayed such an excellent temper and such perfect courtesy towards those with whom he had to act in the administration of the affairs of the allied army, that every one admits that the noble Lord's behaviour greatly assisted in cementing the alliance between the English and French forces. I am anxious to say that in all my communications with my noble and lamented Friend, when I was

Secretary at War, and he was acting in the department of the Commander in Chief, I always found myself most usefully advised, and there never was any difference of opinion between the two departments but he brought it to a satisfactory conclusion. I greatly lament the loss which the army has sustained by his death, and which I believe it will be difficult to repair. I am satisfied that Lord Raglan's powers and abilities were much greater than they were generally supposed to be, for, as my noble Friend has justly said, it was but recently that he had had an opportunity of displaying his talents. All those military men whom I have had an opportunity of corresponding with, expressed with the utmost confidence their opinion that on any great emergency the movements of the army could not have been better conducted. While acknowledging the great misfortune incurred by the country through the death of Lord Raglan, still we may fairly hope that the practice of war will lead to the discovery of talent in other persons, and I have no doubt, though Lord Raglan is not a man to be replaced in a moment, that yet by his plans and by the aid of his successor in command the present contest will be brought to a glorious conclusion. I have only to add that it will be my duty to express the honourable sense Her Majesty entertains of Lord Raglan's great services, and to-morrow I shall issue a General Order to the army for that purpose. I cordially concur in the Address which has been proposed to your Lordships, and I trust that the Vote to be granted to Lord Raglan's family will be such as will adequately furnish those means which, as my noble Friend has stated, Lord Raglan was not able to provide for them himself.

THE DUKE OF CAMBRIDGE: My Lords, having been so recently associated with my noble and illustrious Friend—for so I may call him—who, to my great grief, has now departed from us, I trust that your Lordships will permit me, as an humble Member of the army which he so ably conducted, to assure you that I most cordially concur in all that has fallen from the noble Lord the Minister of War. I do not think that, in the whole army or country, any other individual could have been selected who would have conducted in a more admirable manner the affairs of the army, or who at the head of a British force, intimately associated with our allies the French, would have conducted himself in a manner so well calculated to combine the operations of the allied armies, and to insure that intimate association which is so absolutely essential to success. I have no doubt your Lordships are all fully impressed with the difficulties Lord Raglan had to contend with; but, whatever your impressions may be, I, who have had personal experience, can assure you that those difficulties were far beyond anything you can imagine. I do not mean to say that Lord Raglan was not met on all occasions with cordiality by the leaders of our allies. On the contrary, they met him on every occasion with all frankness and sincerity. But yet such was the difficulty of the allied position, and such was the intricate character of the war which Lord Raglan had to conduct, that I am persuaded, unless he had possessed a peculiar capacity for surmounting obstacles, we never should have so well cemented that cordiality with our allies, which I, for one, so greatly rejoice at seeing established. In fact, I think that my noble and lamented Friend has been, by the blessing of Providence, the instrument of bringing the alliance between the French and English forces to the satisfactory state in which it now stands. It would ill become me, so very humble a Member of that army which my noble and lamented Friend commanded, to attempt to defend him from many imputations which I have heard cast on him. History will decide upon his talents and his capabilities, and I feel persuaded that in the result history will do him justice. The noble Lord at the head of the War Department has alluded to Lord Raglan's former services. I personally had much experience of Lord Raglan's friendship when that noble Lord was, under the direction of his illustrious chief the Duke of Wellington, so ably conducting the affairs of the army in the Commander in Chief's Department, and I have no hesitation in saying that there was not a single officer in the British army who had occasion to address Lord Raglan, but felt that he was dealing with a personal friend. Every officer seemed firmly persuaded that he would be well received by him, that his claims and statements would be listened to with attention, and that his wishes would, as far as possible, be promoted by Lord Raglan. To be able to create such confidence is in itself a great talent, and no one possessed that talent to a greater extent than my noble and lamented Friend. There are very few of your Lordships but had a personal acquaintance with Lord Raglan, and I think that we may all say that by his death we have lost an earnest and sincere friend. There are many distinguished officers, but no one was more distinguished by his position and talents than the deceased nobleman. While the army has lost a most distinguished officer, the Sovereign and the country have been deprived of one of their best and most valuable servants. It may be long before we shall find a man to replace Lord Raglan in the manner we could wish. I quite agree with my noble Friend at the head of the War Department, that others will be found in the military service of the country able to conduct the war to a successful issue; but, however ably the army may be commanded hereafter, I still must say that the nation will always have to deplore a great loss in the death of Lord Raglan. I most entirely concur in the Motion submitted to the House, thinking it the bounden duty of Parliament to alleviate, as far as possible, the great misfortune which has just befallen the family of Lord Raglan in the loss of their protector, in so sad and melancholy a manner.

THE EARL OF CARDIGAN: My Lords, having served in the army under the late Lord Raglan, and having, during an acquaintance with him for many years, had occasion at different periods to consult him on matters connected with that profession to which I have the honour to belong, I cannot refrain from paying to his memory my tribute of gratitude for the great kindness and courtesy with which he ever treated me, and which, I know, was not confined to myself, but was extended to every member of the service. I have always felt deeply convinced of the great truth, honesty, justice, and impartiality of all Lord Raglan's views and actions; and, though he did not always sanction that which I wished, I invariably submitted to his judgment with the greatest cheerfulness, well knowing that the only motive which influenced his conduct was a sense of duty towards that service of which he was so distinguished an ornament. I certainly am indebted to the noble and lamented Lord for many advantages; for, on several occasions, during the campaign in the East, he afforded me the opportunity of performing active duties, and thus gratified my most ardent wishes. Therefore, your Lordships may well imagine what are my personal feelings of gratitude towards the noble Lord whose death we all so much deplore. As for the officers in the army, I can truly state that they all fully participate in the feelings which I have just expressed, and concur in thinking that the death of that great general has occasioned an irreparable loss to the army and constitutes a national misfortune. If such was the opinion of the officers, not less so was it the opinion of the men. The men who composed those regiments, those brigades, and those divisions, whom I saw receiving that great general on the heights of Alma with such enthusiasm, will not soon forget the distinguished services which he has performed. They naturally felt great pride in having succeeded, under the guidance of their leaders, in surmounting all the obstacles which opposed them in carrying those heights in so short a time. There was not a man in the army who did not feel that their gallant and distinguished general was in as great danger, and exposed himself quite as much to the enemy's fire as any private soldier in the ranks; and if there was one who did not know it then they know it now, for it is well known to the army that the noble Lord passed the river of the Alma under a shower of the enemy's bullets, moved certain pieces of artillery, and placed them in a position where they told with great effect on the ranks of the enemy. Every one knows that on that occasion he exhibited the most undaunted bravery, the coolest and calmest courage, under the deadliest fire of the enemy, which drew upon him the admiration of all. My Lords, I cannot doubt that after the great services of that distinguished individual, after the long and glorious career he had passed, associated as it was with that great military leader now no more, both this and the other House of Parliament will mark, in a manner worthy of the occasion, the high sense they entertain of his distinguished services. If I thought it necessary, my Lords, to add another word, I would say that the language of the noble Lord, the present Commander in Chief of the army, with reference to the early and glorious death of the son of Lord Raglan in battle might be quoted with equal truth of the glorious career of the father. Of that noble youth Lord Hardinge said—"He conducted himself with the hereditary courage of his race. He was always foremost where difficulties required to be overcome." These words might be applied to the great and distinguished man whose death we now lament; and I feel confident that, on this occasion, there will be no difference of opinion among your Lordships, and that all will concur in those expressions of regret which the country must feel at having lost a most distinguished general and one of the best of men.

THE EARL OF GALLOWAY: My Lords, I cannot refrain on this occasion from expressing my regret that some Member of Her Majesty's Government did not before this come forward and give expression to the feelings which have now been uttered with so much unanimity from all sides of your Lordships' House; for I believe that if the sentiments now spoken had been uttered while Lord Raglan was yet in life they would have done more than anything else to cheer his heart and sustain his spirit under the great responsibilities with which he was charged—and in the peculiar situation in which, as the illustrious Duke has observed, he stood—nay, I will add, that it would have done more to strengthen his physical frame against the inroads of disease than the skill of all the physicians that could have been consulted. In confirmation of this I may remind your Lordships that we were officially informed that Lord Raglan's naturally good constitution did, under medical treatment, greatly rally, and that he had been pronounced convalescent, only requiring for a time perfect rest. But, I ask, what rest could be found for one whose mind was wrung with a sense of detraction and wrong, of calumny and injustice, and who felt that, while he lay on a bed of sickness, having exhausted all the energies of his mind and body in the service of his country on a foreign soil, there were none on the soil of his native land to defend him? I hesitate not to say, though I desire, at the same time, to say it respectfully, that it is the conviction of my own mind—and I know that the sentiment is shared in by other members of Lord Raglan's family—that Lord Raglan fell a victim to the ingratitude of his countrymen, and, I regret to add, the coldness and neglect—if not the desertion—of that Government of whom he was so able and so zealous a servant. The noble Lord, after having devoted the greater part of his existence to the public service, was, at an advanced period of life, commissioned to perform a Herculean task, with means inadequate to its accomplishment; and because he could not assuage the rigour of a Crimean winter, nor find in that climate the means of giving shelter to his troops—for these, and such like imputations—for faults that were not his own—your Lordships know how he was subjected to the virulent and unfair attacks of a portion of the press, which laboured to bring him into disrepute and under the displeasure both of Parliament and the people. It is well known also how the noble and gallant Lord conducted himself in these circumstances—how, conscious of the value of his services, he bore these heavy trials with patience and dignified silence, exhibiting throughout them all a great Christian example. Reference has more than once been made to the fact of this noble and gallant soldier retaining the office of Master General of the Ordnance in connection with that of Commander in Chief of the army in the East; but allow me to remark that Her Majesty's Ministers, although knowing the peculiar circumstances under which he continued to hold the office of Master General of the Ordnance, did not even endeavour to mitigate the feelings which were prevalent in the country at the time by stating how admirably he had conducted the business of the department, and what important and valuable improvements he had introduced. When it was eventually determined that the office of Master General of the Ordnance should—contrary, as I believe, to the opinion of the noble Duke now no more—be placed under the control of the Secretary for War, I would ask your Lordships whether that respect and deference which were his due were exhibited towards the noble Lord, and whether he was not rather thrust from his office as if his services were little appreciated? I have felt it my duty, though it is a most painful one, to make this statement, but I will refer no further to the subject. He whose merits have been discussed to-night is now beyond human censure or human praise. He rests, as we trust and believe, in the bosom of his Saviour. That is our consolation; and we firmly believe that when the attacks of his detractors and calumniators will be despised or forgotten, his exploits will be consecrated in the pages of our military annals, and his memory will be embalmed in the hearts of a discriminating and dispassionate posterity. I do not wish to make any observation with reference to the pecuniary grant which Parliament may be recommended to make to the family of the late Lord Raglan. I may observe, however, that notwithstanding the great and long-continued services of that gallant and illustrious nobleman—

although the military services of Lord Gough in India were rewarded by a peerage which carried him over the heads of the ancient Barons of this country—the lowest place in the peerage was assigned to the hero of Alma and Inkerman, the modern Bayard, "*Sans peur et sans reproche.*"

THE DUKE OF BEAUFORT said, he should beg their Lordships' indulgence while he made a few remarks on the speech of his noble relative who had just addressed them (the Earl of Galloway). He could not help agreeing with his noble relative that Lord Raglan had not been supported by the late or the present Government in the way in which he ought to have been, and he could not help remembering that they had, night after night, remained silent whilst they had heard him calumniated—he referred more particularly to what had taken place in another place; but still he regretted that his noble relative should have taken that opportunity of making these charges against Her Majesty's Government. He was sure that nothing could have so much grieved the gallant spirit which had departed as to have listened to such a speech as that which his noble relative had just delivered. He (the Duke of Beaufort) knew that Lord Raglan felt that he had the support of the Ministers, although they had not come forward as he (the Duke of Beaufort) thought they ought to have done in his defence; and he also felt that he had the support, and it might even be almost said the friendship, of his gracious Sovereign. He knew that he had been sustained, and that he would continue to be sustained in all his efforts. He had received throughout the campaign the support of his Sovereign and of his country; and under all the circumstances of the case, he (the Duke of Beaufort) should again express his regret that his noble relative had taken that opportunity of making the remarks he had addressed to their Lordships.

EARL GRANVILLE: My Lords, I own that I have felt considerable reluctance in addressing your Lordships, lest I should in any respect weaken the effect of those observations which have fallen from noble Lords who, like my noble Friend opposite (the Earl of Derby), from his high political position—like my noble Friend (Viscount Hardinge) from his great professional experience—like the illustrious Duke (the Duke of Cambridge), and the noble Earl (the Earl of Cardigan), from their recent services in the field—are so well entitled to speak upon a question of this nature. I wish, however, to have the opportunity of stating how much Her Majesty's Government are gratified at the unanimity of feeling which has been exhibited by your Lordships upon this most sad occasion, and which we believe to be a faithful echo of that feeling of regret which pervades every class of the community. I can perfectly understand the feelings which have led my noble Friend (the Earl of Galloway)—suffering under this domestic affliction—to speak out his mind upon this matter; but I think, after the observations which have been made by the noble Duke (the Duke of Beaufort) with such singular good taste, that it will be more consonant with your Lordships' feelings if I avoid the slightest defence of Her Majesty's Government, whether with regard to the charge of their want of appreciation of Lord Raglan's services, or to that of their having shrunk from defending that noble Lord's conduct in the field. I believe, my Lords, that the country is not now ungrateful. I believe that this country—like many other great, and free, and energetic nations—is at times a severe, an impatient, and a hard taskmaster; but I believe also that in this instance, as has almost invariably been the case, its final judgment is a just and a generous one. Lord Raglan was brought up in a school, in which he had opportunities of seeing how far a sense of public duty could carry men in the service of their country. He had also an opportunity of seeing that, however they might be subjected to blame in the first instance, the good sense of the country invariably came to their rescue at last. Several noble Lords have referred to the charges and accusations which have been made against Lord Raglan. I can state that Lord Raglan's sense of public duty, his delicacy of feeling towards others, his feeling of pride—and I use the word in its best and noblest sense—prevented him from uttering the slightest word in defence of his conduct when charges were made against him which had not the slightest foundation in fact. I am informed—and I believe there are those here present who can confirm the statement—that in Lord Raglan's most intimate and confidential letters, up to the day of his death, there is not one angry word respecting the persons who brought those charges against him. I am also informed that in one of his last letters he expressed his strong belief that, among all those persons who had thought it their duty to complain of his conduct, there was not one single individual who was actuated by any feeling of illwill towards him. I think this fact constitutes a far better defence of Lord Raglan than I could establish if I were to go minutely into questions respecting the abolition of the Mastership of the Ordnance, or other details into which, upon a fitting occasion, I should be most happy to enter. The illustrious Duke (the Duke of Cambridge), who has spoken with so much good feeling upon this subject, alluded to certain difficulties which were incidental to Lord Raglan's position. I believe I may appeal to the Secretary for War, who I am satisfied will confirm my statement, that there does not exist in the War Office one single despatch of Lord Raglan containing the slightest accusation of any sort or kind against our brave and gallant allies, or describing any single transaction in a manner which reflected greater credit upon our own army than upon the gallant army with which he was acting. I believe the feeling which has been exhibited by your Lordships is the feeling of the country at large. I believe there is not a man in this country who, entertaining the highest admiration for Lord Raglan, does not feel the deepest regret at our irreparable loss. All must feel the deepest sorrow that he who enjoyed, not only an English, but a European reputation, as one of the bravest and gentlest—one of the most chivalrous and one of the best men who ever sacrificed his life in his country's cause—should have been taken from us at the moment of a crisis of such great delicacy and importance.

The Earl of ELLESMERE: My Lords, I cannot forget that some thirty years have passed since I was first associated in the public service with the gallant nobleman who has been referred to, and that that association formed the commencement of a friendship amounting to intimacy which has never ceased. I can bear testimony to all that has been said of the merits of Lord Raglan. I have watched with deep anxiety the recent career of my noble and departed Friend. I have watched with admiration, conduct which has been truly described as rivalling the heroism of antique bravery, and the perseverance and constancy with which he met all the difficulties of his situation. I may add, with reference to what has fallen from the noble Earl near me, respecting the rash, malevolent, and premature accusations to which Lord Raglan was exposed, that I observed them with deep concern, and that by no one could they be regarded with more pain than by myself. I have strong faith in the truth of what has been said by my noble Friend upon the Ministerial bench (Earl Granville)—that the sagacity, the wisdom, and the justice of the British people will ultimately vindicate Lord Raglan from the aspersions which have been cast upon him; and my belief in the future vindication of Lord Raglan is founded on the firm conviction that there is not a soldier now standing upon the glorious battlefields of the Crimea to whom the future fame and reputation of Lord Raglan are not dearer than his own. It was owing to the salutary advice of Her Majesty's Ministers, and, more than that, to the general reputation of Lord Raglan's services that he received his appointment, and it is false to say that aristocratic influence had one iota to do with that appointment. He was called to the position he occupied by the unanimous verdict of the people; and though that verdict may, in some cases, threaten to overstep the bounds of prudence and to override the prerogative of the Crown, in the case of Lord Raglan it was given solely because he was the man best fitted for the post. Acting upon the great maxim of his illustrious master—obedience to the call of duty—he accepted the office. I know not whether Lord Raglan consulted any friend on the subject; but I know that no friend could have advised him to act otherwise; but I am also sure that, without exercising more than ordinary wisdom, every person who considered the subject must have foreseen the arduous nature of the duties which Lord Raglan was about to undertake. He knew that he was called upon to measure the sword of England against that of an antagonist remarkable for his vast resources, who had, during forty years of peace, unceasingly laboured to increase the military power and the military discipline of his country; he knew that he would have to oppose such resources, so far as England was conerned, by powers which were, perhaps, ultimately as inexhaustible, and by a gallantry that could not be exceeded, but, at the same time, by material resources and agencies of warfare which had to be hastily collected for an immediate purpose from a country which, from an economy which I do not venture to censure or blame, had, during those forty years of peace, neglected the organisation of large armies. He had other difficulties to contend with, not the least of which were the difficulties attending a divided command; but he boldly faced all these difficulties, and with a perseverance that nothing could daunt, with a temper that nothing could ruffle, and, I am ashamed almost to mention, with a courage under fire which nothing could allay, he overcame the greater part of them, and maintained the struggle till, not the dangers of battle, but the ravages of disease deprived us of his services. My Lords, for such a man, be his detractors who they may, I place entire reliance on the ultimate verdict of the people of England, and I believe that that verdict—unanimous, or nearly so, as I anticipate it will be—will be re-echoed from Calais to Marseilles by the brave, generous, and gallant nation who have been his companions in arms, and who, of all nations in the world have perhaps the least reason to be jealous of the military fame of such a warrior.

LORD BROUGHAM: My Lords, the present is not an occasion when either private friendship or personal feeling should induce your Lordships to speak of the merits of one whose loss we all deplore. It is on public grounds only, and on account of Lord Raglan's prodigious merits as a public man and a public servant, that I heartily concur in the Motion which has been proposed by my noble Friend. On account of his great merits as an administrator both in peace and in war—his great and transcendent merits as a captain, who has led our troops to victory, to splendid and glorious victory—his prodigious merits as a military commander in that most difficult position, as the commander of a portion, and an inferior portion in amount, of a combined army, in which his wise conduct, his perfect justice, his great skill, his unbounded suavity of manner has preserved, consummated, and increased the strength of that most invaluable tie which binds together the two armies, he might almost say the two countries, of England and France—that alliance which is essential to the interests and the future welfare of Europe—it is on these public grounds, and with those public feelings, that I heartily agree in the Motion which has been proposed by my noble Friend for your Lordships' adoption.

The Earl of Ellesmere

Motion *agreed to, Nemine Dissentiente,* and the said Address was Ordered to be presented to Her Majesty by the Lords with White Staves.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 3, 1855.

MINUTE.] PUBLIC BILL. — 1° Gold Wedding Rings.

METROPOLIS LOCAL MANAGEMENT BILL.

Order for Committee read.

House in Committee.

VISCOUNT EBRINGTON said, he wished to move, by way of Amendment, to substitute for Clauses 17, 18, 22 and 23 in the separate paper, that the taking of the poll of the ratepayers on an election should be by means of voting papers. In the parish of St. Pancras there were 20,000 ratepayers, and yet at the last election for the vestry, notwithstanding there was considerable excitement, not more than 3,500 voted. Either it was desirable that the ratepayers should take part in these elections or not; and, if desirable, the course he recommended would afford them an opportunity of doing so. It might be said that the system of voting by papers would open a door to fraud; but he believed that after making every allowance for fraud, a much truer representation of the constituency would be obtained by the system than was done by the present mode of voting. In order, therefore, to admit of his Amendment being introduced, he should oppose the adoption of the Clauses 17, 18, 22, and 23.

MR. W. WILLIAMS said, he considered the noble Lord to be most unfortunate in his proposition. It was a system based upon fraud. The noble Lord had referred to the parish of St. Pancras, but what was the case with respect to that parish? Notwithstanding there was only one polling-place, between 5,000 and 6,000 ratepayers attended and gave their vote at the late election—and this number would be materially increased when, as was proposed by the Bill, there should be eight polling-places. If the right hon. Baronet (Sir B. Hall) should agree to the Amendment, he would be committing the greatest possible error.

Viscount EBRINGTON said, he must deny that the whole system of voting by papers collected from the houses of the ratepayers would be tainted with fraud.

Mr. WILKINSON said, he differed from his hon. Colleague (Mr. Williams), for he was of opinion, even if the plan proposed by the noble Lord were not accepted, that some mode of collecting the votes of the ratepayers different from the existing system should be devised. Practically, the system of voting by papers not only and really enlarged the circle of voters, but introduced into it a far more respectable class of voters.

Sir BENJAMIN HALL said, the plan proposed by the noble Lord was not a new mode of voting in the metropolis. It had been acted upon in some cases for the last ten years. It was perfectly true that the Boards of Guardians were desirous that the elections of their body should be continued in the way in which they were now conducted—namely, by voting papers ; but he had received communications from many individuals, saying that they preferred the mode of voting as proposed by the Bill. They must all know, as practical men, that if they wished a great scheme, such as the Bill embodied, to be carried out, they must make it palatable to those who had the carrying of it out. He thought that if the Bill could be made odious and unmanageable it would be by adopting the Amendment of his noble Friend.

Mr. APSLEY PELLATT said, he could not concur with the right hon. Baronet in thinking that the Bill would be ruined by the adoption of the Amendment. As far as regarded the election of the Boards of Guardians, the system of voting by papers had worked well.

Lord ROBERT GROSVENOR said, he should support the Amendment, as it would be the means of obtaining the votes of a much larger number of voters than could be obtained by the present system.

Sir JOHN SHELLEY said, that by increasing the number of polling-places, as it was proposed to do, a larger number of ratepayers would have convenient means of voting. He believed there existed a very strong opinion on the part of the ratepayers that the present system should be continued.

Sir WILLIAM CLAY said, he approved theoretically of the principle involved in the Amendment, and, as a proof of it, he had himself proposed that the system of voting papers should be adopted in the election of Members of Parliament; still, practically, he believed such a mode of election would be unpopular, and therefore he could not take upon himself the responsibility of supporting the Amendment.

Sir HENRY WILLOUGHBY said, it appeared to him that the balance of argument was in favour of voting by papers. Now, the question really came to this—whether the inspector should come to the voter, or the voter to the inspector. And what ought to be considered was, which of the two systems would be most convenient to the ratepayers. It was not at all necessary to have police inspectors; all that was requisite was to take securities against fraud. Now, the system of voting by papers certainly appeared most convenient.

Sir GEORGE GREY said, he quite agreed that the question should be determined upon the principle stated by the right hon. Baronet (Sir H. Willoughby) as to what was most convenient for the ratepayer. He heard that very great irregularities had arisen in the system of voting by papers; but, on the other hand, there was doubtless great force in the arguments in favour of that system. But as the public feeling appeared at present to be against it, he thought that it would be best to retain the clauses as they stood.

Viscount EBRINGTON said, he did not propose, as in the then state of the House (hardly twenty-five Members present), it would be useless—to press his Motion to a division, but he retained his opinion, and rejoiced at its reception. He also reserved the right of bringing forward the question at a future stage and in a fuller House.

Motion, by leave, *withdrawn.*

Mr. MASTERMAN said, he wished to bring forward a clause, providing that any works to be done respecting the sewers within the city of London should be executed by the City Commissioners of Sewers out of the rates raised by them within the city; but, in case they should not execute such works, then the Metropolitan Board might execute the same and require the Chamberlain of the city to pay the expenses. He considered that to be a very reasonable request.

Sir BENJAMIN HALL said, he was very sorry he could not agree with the proposition. His hon. Friend had called it a very reasonable request on the part of the city of London, but he (Sir B. Hall), n the contrary, thought it was the most immodest proposition he had ever heard in his life. Now, what would be the effect of the clause? The House had decided that the main sewers of the metropolis, especially the intercepting sewers, should be wholly and exclusively under the Metropolitan Board of Works, and that there should be one supervision, one collection, and one general control of those great works. But what did the city of London propose? Why, as regarded the city, that they should execute the work themselves, subject to the supervision of the Board of Works. That was ostensibly their proposal; but he would show that they really proposed a great deal more. He would, however, first point out the inconvenience that would arise from the adoption of the clause. Suppose it was determined to construct a sewer from above Vauxhall-bridge to Deptford-creek, which the Metropolitan Board might do as the Bill now stood; all the plans, and levels, and contracts would, under the provisions of the Bill, be made by the Board. But if the clause of the hon. Member for the City of London were adopted, the Board would have to stop at Temple-bar, and resume their works again at the eastern end of the city. Now that was absurd on the face of it. Suppose anything happened to the main sewer within the city, the Metropolitan Board would have no power to act without first communicating with the Commissioners of the City of London. Talk of administrative reform! Why, if the clause were adopted, they would fall into the greatest possible state of confusion. But, beyond that, the real object of the city of London was to be excluded from taxation for the great work now contemplated. They were desirous of doing a small portion of it, which ran through the city of London, and then escape being brought under the general taxation for executing the whole work itself.

Mr. CUBITT said, he had been asked to support the clause, and it was the first time he had any idea that the City of London had any object which did not appear on the face of the clause. He thought it not an unreasonable request on the part of the City of London.

Sir JOHN SHELLEY said, he was opposed to the clause, as it would be introducing two sets of Commissioners instead of one to superintend the great works to be carried on.

Mr. MASTERMAN said, he must express his surprise at the imputation cast by the right hon. Baronet (Sir B. Hall) on the City of London. He denied that the city wished to escape from the general taxation for carrying on those works. All they desired was to be allowed to execute the works within the city themselves.

Mr. APSLEY PELLATT said, he was of opinion that the City Commissioners executed their work in the best possible manner, in an engineering point of view, and also economically. He saw no objection to their being allowed to execute their own work.

Clause *negatived.*

On the question that schedule A stand part of the Bill,

Mr. H. BAILLIE said, he would move that the word "one" be substituted for the word "two," the effect of which Amendment would be to reduce the number of members constituting the Board.

Sir BENJAMIN HALL said, when he proposed that the Board should consist of forty-two members, it was suggested that that number would be too large. He then promised to consider whether the Board could not be reduced to a number not less than thirty. But since that time a great increase of labour, not contemplated when the Bill was originally drawn, had been added to the duties of the Board by the recommendation of a Committee which had been sitting upstairs in reference to buildings; and that being the case, he did not think that forty-two was by any means too large a number for the discharge of the various onerous duties of the Board.

Question put, "That 'two' stand part of the schedule."

The Committee *divided:*—Ayes 82; Noes 1: Majority 81.

Sir WILLIAM CLAY moved, that the parish of Poplar be included in part 2 of schedule A, the effect of which would be to constitute a new district consisting of Poplar parish.

Sir BENJAMIN HALL said, it had already been made a matter of complaint that there were too many districts, and yet the hon. Baronet proposed to create an additional district. There were thirty-six districts, and he would have one more, which would make it thirty-seven. There was no good ground for the proposition. Neither in respect to area, population, or rental had Poplar any claim to be made a distinct district. There were several districts that exceeded Poplar in all those respects.

Question put, "That 'Poplar' be there inserted."

The Committee *divided:*—Ayes 28; Noes 59: Majority 31.

Schedule A *ordered* to stand part of the Bill.

The remaining Schedules were then *agreed to*, and the House resumed.

SIR BENJAMIN HALL said, he felt that he should not be discharging his duty if he did not take that opportunity of expressing his thanks to the House for the forbearance which had been shown on all sides in the progress of that important measure through the Committee, and for the able assistance which had been given by the House to pass the Bill through its several stages up to the present.

Bill *reported*, as amended.

THE ORDER OF THE BATH—QUESTION.

ADMIRAL WALCOTT: Without any desire to touch upon the prerogatives of the Crown, I wish to ask the noble Lord (Viscount Palmerston) the First Lord of the Treasury, whether it is intended to recommend the issue of the existing decorations of the Bath without reference to the projected order of merit contemporaneously with the eminent services which deserved them, especially at a time when gallant officers—some, indeed, already formally recommended for distinction were in hourly exposure to loss of life, and therefore, in the case of death, whether it would not be proper to date back the *Gazette* which rewards the survivors, in order to include the names of the fallen as a national acknowledgment of the merit of those who died nobly for their country and a sacred heirloom of their families.

VISCOUNT PALMERSTON said, the Order of the Bath would be conferred, without reference to the order of merit, by an entirely separate arrangement. With regard to the latter part of the question, the hon. and gallant Gentleman must be aware that the insignia of the Order of the Bath were restored to the Crown at the death of the person to whom they had been granted, and, therefore, that they could not continue to be heirlooms in the families of individuals who had earned those distinctions. The names of those who had been recommended for the Order of the Bath, but who had been prevented by death from having that honour conferred upon them, would be published, with notices of their having been so recommended, and of the cause which had prevented them from receiving the honour. That record would, he trusted, be a memorial, honourable to themselves and gratifying to their families and friends.

THE QUEEN'S MESSAGE—THE LATE LORD RAGLAN.

Order for Committee read.

House in Committee.

THE CHAIRMAN read the Queen's Message of yesterday—

"V.R.

"HER MAJESTY, taking into consideration the great and brilliant services performed by the late Fitzroy James Henry Lord Raglan, Field Marshal in Her Majesty's Army, and Commander in Chief of Her Majesty's Forces at the seat of War in the East, in the course of the hostilities which have taken place in the Crimea, and being desirous, in recognition of these and his other distinguished merits, to confer some signal mark of Her favour upon his widow, Emily Harriet Lady Raglan, upon his son and successor to the title, Richard Henry Lord Raglan, and the next surviving heir male of the body of the said Richard Henry Lord Raglan, recommends to Her faithful Commons the adoption of such measures as may be necessary for the accomplishment of that purpose.

"V.R."

VISCOUNT PALMERSTON: Sir, I rise to perform one of the most painful duties which can fall to a Minister of the Crown; at the same time it is one which is not devoid of feelings of consolation, and which will, I am sure, at all times secure the sympathy of the House, and be accompanied and supported by the sanction and approbation of the country. It is the privilege of the people of a free country to share with their Sovereign in the manifestation of those feeling of gratitude and in the warmth of those acknowledgments, which are due to the heroic men who devote themselves to the military and naval service of their country, and who on foreign fields sustain the honour and dignity, and maintain the interests of the nation. Other nations, which are not so fortunate in their constitutional institutions, are obliged to remain passive spectators of those acts of grace by which their Sovereigns may acknowledge and reward the services of those who have fought and bled in their defence. But in this country, the people, through their representatives, share in the acts of their Sovereign, and that participation of the people with the Sovereign detracts in no degree from that honour which is conferred upon the Crown by acts like these, but, on the contrary, enhances the value of that which is done, because there is associated with the discretion and generous feeling of the Crown the sanction and assent of the representatives of the people. Sir, it has often been our lot, in this House, to see, appearing at the bar or rising in their place, men who by their heroic deeds in the field or at sea have deserved the gratitude and rewards of their country. Sir, we have heard this roof ring with the acclamations which have followed the expressions that have fallen from the Chair in conveying to such persons the thanks and gratitude of their country. We have, also, frequently had to second the generous intentions of the Crown by aiding the Sovereign to bestow upon deserving men those more substantial acknowledgments which were required to enable them adequately to support that dignity which the Crown, by its prerogative, had conferred upon them. In the case of Lord Raglan neither of these courses is, unfortunately, within our power. That ear which might have listened with gratitude and delight to the nation's thanks, conveyed by this House, is unfortunately now still in death. That hand, which might have received the generous acknowledgments of the country, is cold and stiff in the grave. But Lord Raglan has bequeathed to his country, not only a deep, and, I trust, a long continued sense of gratitude for the services he has performed, but he has also bequeathed to this country those who were dearest to his affections, and who, I trust, will long continue to be the objects of the affectionate solicitude of his country. If Lord Raglan had not received, before he undertook the command of the army in the East, that peerage which was conferred upon him in acknowledgment of his long services in connection with the army—if that reward had been delayed until the conclusion of his services in the Crimea, there could have been no doubt that this House would have responded in his case, as it has done in the case of many other brave men who have acquired and earned the approbation of the Crown and the gratitude of the country; and that to that peerage would have been added that provision for maintaining the dignity of the peerage, for which so many precedents can be quoted in the course of the present and last century. And I cannot conceive, Sir, that the circumstance of that reward, when granted, not having been accompanied by the invitation of the Crown to Parliament to make this provision, will have any other effect than that of increasing the anxiety of this House to take advantage of the present communication of the Crown for the purpose of making that provision—that unfortunately now too late provision—for the peerage which would naturally have accompanied his services. That which I am about to propose is founded upon a reference to similar precedents which have occurred in the course of the present century. There are many distinguished soldiers who have received from the Crown the dignity of the peerage as a reward for brilliant and meritorious services. In all those cases the communication made by the Crown to this House was followed by the grant of pensions for the life of the person upon whom the peerage was conferred, and generally, also, for two successive lives. Those pensions have varied from 3,000*l.* to 2,000*l.* a year. In the present case, unfortunately, the country having to lament the loss of the individual on account of whose services the recommendation has been made, we must depart in some degree from the current of preceding decisions. That which I am about to propose is, that a pension of 1,000*l.* a year should be granted to Lady Raglan for her life, and that a pension of 2,000*l.* a year should be granted to the present Lord Raglan, with remainder to his next heir succeeding to the title. In general, the practice has been that the pension should be given for three lives; but, in the present case, it is proposed to be given but for two, in addition to the pension for the third life—that of Lady Raglan—which, I am sure, the House will feel great pleasure in voting. With regard to the merits of Lord Raglan, it is unnecessary, I think, for me to add anything to that which must be present to the mind of every man who hears me. Lord Raglan devoted, I may say, the whole of his life to the service of his country in connection with the army. I believe that he began his career in arms in the year

1807, when he went to Copenhagen; and from that time to the hour of his death he was constantly employed, either in active service in the field or in the performance of highly important official duties at home in connection with the management of the army. His life was devoted to the military service of his country. He bore, unfortunately, about him proofs too manifest of the devotion with which he was ready on all occasions to expose his life on the field of battle. But that mutilation—that honourable and glorious mutilation—in no respect interfered with the continued performance of his duties. When the command of the army in the Crimea was offered to him, he might, without any disparagement to himself, resting upon his long services—resting upon his known chivalrous bravery—resting upon those glorious scenes in which he had been engaged, and in which he had borne a distinguished part—he might, upon the plea of advancing years, of physical infirmity, and of important official duties at home, have begged to be excused, and might have recommended some other and younger man in his stead. Yet Lord Raglan, with the feelings of a soldier, and being aware that—

> "Where honour calls, where honour leads the way,
> The sons of honour follow and obey,"

did not hesitate for a moment to accept the command offered to him; and, whatever might be the exposure, the violence, and the difficulties to which he might be liable, he cheerfully resolved to make every private sacrifice—to make every personal sacrifice—and, if it were thought that his services were useful, to the last hour of his life he was ready to devote them to his country and his Sovereign. Sir, Lord Raglan, it must be admitted, had great difficulties with which to contend. After conducting his army gloriously through the perils of war, he had to conduct them through the much more difficult perils which had to be encountered—of sickness, privation, and all the sufferings incidental to a winter campaign in a country hitherto unknown to our army, and whose peculiarity of climate it was scarcely prepared to encounter and to fight against. The sufferings of that winter campaign, although great to the soldier, must have been, indeed, severe to a mind like that of the general. Lord Raglan, however, had the satisfaction of seeing the army which had been reduced to a state of misery and privation during the winter, reviving with the return of spring, re-invigorated by the change of climate, and reinforced by supplies of every kind; and at last he had the satisfaction of finding himself at the head of one of the most magnificent armies that have ever quitted the British shores, and planted the standard of England in any quarter of the globe. Sir, Lord Raglan might reasonably have entertained the hope that with that army he would have planted the standard of England upon the walls of Sebastopol; and I trust that that glory is reserved at no distant period for the lot of the fortunate man who may succeed to the command of that brave band. But it must have been a deep affliction to him, and a pang to the heart of this noble soldier, to find, in his sinking and dying moments, when he must have seen that he had not long to remain in this world, that those brilliant hopes which he must have entertained would not be by him realised, and that he was doomed to pass away from this stage of existence before he had achieved the realisation of the ardent hopes by the expectation of which he had been borne up in many dark hours of distress and despondency. Sir, not only was Lord Raglan eminent for those great qualities which peculiarly belong to a soldier, for that undaunted bravery which characterises his noble name, but he was also remarkable for qualities which peculiarly fitted him for the position in which he was placed. He had that gentleness of nature, he had that conciliatory disposition, that consideration for the feelings of others which frequently and generally are combined with true courage. It was his happiness, by the manner in which he conducted his intercourse with the generals and officers commanding the troops of our allies, to cement that cordiality, and to tie and knit together those bonds of good feeling which now so fortunately connect, in the most intimate relations, armies which in less auspicious times knew each other only as opponents in the field of battle. In that respect Lord Raglan was eminently successful, and in that respect, allow me to say, he established a high claim upon the gratitude of his country. It may, indeed, have happened that, with armies called upon to co-operate, which had previously known each other in opposition in the field of action, that jealousy, that rivalship, that conflict of opinion, those various dissensions, which sometimes arise even among officers and men of the same country, might have created feelings of coldness and of incipient animosity, which would have marred and been fatal to the great alliance which has happily been established between the Governments and nations of England and France; but to Lord Raglan's honour, be it said, by his manner of conducting his intercourse with the generals, officers, and men of the French army, he inspired, not only among his own men that cordiality towards their French comrades so desirable to exist, but he inspired also, in the minds of the troops and officers of France, perfect conviction that there was most entire oblivion of any differences of the past, and that from that time forward the two armies and the two countries were animated by one identical feeling, and were acting together as brothers of the same family and of the same land. I say, therefore, whether we regard Lord Raglan as a man who passed his whole life in the performance of arduous military duties, who devoted himself without reserve to the service of his country, or whether we consider him as a man placed in a peculiar position, who performed the duties of that position with the most conscientious devotion, and with a success which not only did honour to him, but conferred great advantage upon his country—I say, then, in whatever way or in whatever light you look upon it, I am persuaded this House will feel a melancholy satisfaction in acquiescing in the Resolutions which I am about to propose. I am confident those Resolutions, while on the one hand they testify the generous regard of the Crown for those who perform good service to the State, and prove that this House is not indifferent to the claims of those who sacrifice their lives in the service of the country, or perform great acts in defence of its policy, will, on the other, be acceptable to the people of this country; and I am also confident the people will think higher of this House, and look with more gratitude to the Crown, in consequence of the Resolutions which I now place in the Chairman's hands.

Mr. FITZROY said, the Question is—

"That the annual sum of 1,000*l.* be granted to Her Majesty, to be charged upon the Consolidated Fund of Great Britain and Ireland, from and after the 2nd of July, 1855, and to be settled, as shall be most beneficial, upon Emily Harriett, widow of the late Fitzroy James Henry Lord Raglan.

"Also, that the annual sum of 2,000*l.* be granted to Her Majesty, to be charged upon the Consolidated Fund of Great Britain and Ireland, from and after the 2nd of July, 1855, and to be settled, as shall be most beneficial, upon Richard Henry, Lord Raglan, and his next surviving heir male."

Mr. DISRAELI: Sir, I rise to second the Resolutions of the noble Lord, which I doubt not will meet with the unanimous acceptance and approbation of this House. After half a century of public service, all that which was noble and sometimes illustrious ought not to be permitted to pass away without the record and recognition of a nation's gratitude. The career of Lord Raglan was remarkable. Forty years ago he sealed with his blood the brilliant close of a great struggle against the danger of universal empire, and after that long interval he has given to his country his life, in order to guard it against the menaces of a new and overwhelming enemy. The qualities of Lord Raglan were remarkable, and it may be doubted whether they will be supplied by a successor, however able. That which, perhaps, most distinguished him was an elevation and serenity of mind that invested him, as it were, with a heroic and classical repose—that permitted him to bring to the management of men and the transaction of great affairs the magic influence of character—and that often in his case accomplished results otherwise produced by the inspiration of genius. Perhaps there is no instance on record in which valour of so high a character was so happily and so singularly allied to so disciplined a discretion. Never were courage and caution united in so great a degree of either quality. Sir, over the tomb of the great departed criticism must be silent; but even here it must be permitted to all of us to remember that the course of events has sanctioned the judgment of that commander with respect to those difficulties with which it was his hard fate to cope, but which his country must recollect he did not choose or create. May those who succeed him encounter a happier fortune; they will not need a more glorious end, for there is nothing more admirable than self-sacrifice to public duty. That was the principle which regulated the life of Somerset; it was the principle which he carried with him to the grave. Sir, I feel great pride in seconding the Resolutions.

Sir DE LACY EVANS: I feel, Sir, a melancholy pleasure in offering a few words in support of the Motion now before the Committee, although I feel that it is impossible for me to add anything to the admirable addresses just delivered by the noble Lord at the head of the Government and the right hon. Gentleman opposite. But, Sir, having for many years enjoyed an acquaintance with the lamented chief, whose name will long be held in honour and remembrance, I feel that I should be wanting in proper feeling, in duty to myself and to this House, were I not to tender the warm and most earnest expression of my concurrence of feeling in the sentiments of the speeches which have just been made. The noble Lord at the head of the Government said truly, in regard to Lord Raglan, that one of the most important services which, in the position in which he was placed, he was called upon to perform, was that of contributing to cement the great alliance of this country with France. I do not think, Sir, it was possible, having that object in view, that any man in the British army or in this country could have been selected who was so admirably adapted for carrying forward this great object. The noble Lord has also alluded, as well as the right hon. Gentleman (Mr. Disraeli), to the extraordinary difficulties which interposed in the campaign which Lord Raglan had to conduct. These were certainly great disadvantages to the career of that brilliant soldier, for brilliant he was in every respect. For nearly half a century I may venture to say I have witnessed the gallantry, the noble devotion to his duty, which has characterised Lord Raglan during that period. Sir, it must be remembered at how late a period of life Lord Raglan was called upon to assume this high and responsible command. It would have been of infinite advantage to him, as it would have been to any man, had he been chosen to such a command at an earlier period ; but, besides that, there were peculiar circumstances connected with this enterprise which rendered his position one peculiarly deserving of the consideration and of the admiration of this House and of the country. I do not believe that in the history of this country we can find another instance in which a commander has, not at his own desire, but at the command of the Government, taken charge of so momentous an operation, suddenly, and without those preparations, and reserves, and supplies which were undoubtedly necessary for carrying it to a successful issue. I would also observe, what has not been remarked by either the noble Lord or the right hon. Gentleman, Lord Raglan has had this great disadvantage—he has fallen in the midst of his great and glorious enterprise without having actually achieved the end for which he was striving. Let us look back into history, and consider whether, if those illustrious and victorious men who have been rewarded for their service in former times had been similarly deprived of the crowning glory of success, the world would not, perhaps, have given them credit for the abilities and the services which are now recognized. I do venture to think that, if the noble and gallant Lord had been spared a little longer to his country and to Europe, he would not have failed to reap by success all the laurels which he had so dearly earned. I can only say I most deeply sympathize with these Resolutions, and I am quite sure that not only will the Committee be unanimous in adopting it, but I believe that every part of the country will concur in its object, and will desire that every honour that can possibly be paid to the memory of a great and meritorious servant of the country should be bestowed.

Admiral WALCOTT : Let me just say one word. I respond most cordially to the sentiments expressed by the noble Lord, the right hon. Gentleman, and the gallant officer, and concur in every expression they have uttered of admiration and esteem for the illustrious dead ; the individual is past our gratitude, but his name survives, and to his family we can evince the admiration justly due to his memory. We have the consolation of knowing that his reputation is now beyond the reach of misfortune, that from the grave his virtues and merits find a voice in every sentiment, that of united admiration and respect that is felt towards the dead ; but let me repeat that no others participate more heartily and sincerely than the officers of the navy do.

Lord JOHN RUSSELL : Sir, after an acquaintance of many years with Lord Raglan, I cannot deny myself the melancholy satisfaction of joining my voice with those who have preceded me on this occasion. Lord Raglan's qualities were truly heroic. His courage, his composure, the conciliation which he manifested, were carried to a point which was truly heroic ; although, as these were qualities which were not ostentatiously displayed, they did not appear as great as they really were. It was his unaffected simplicity of character which made him stand so high. I have felt that, amidst the perils and disadvantages of last winter, when the army might have become relaxed in its discipline, the knowledge that they had in their Commander in Chief such a commander as Lord Raglan—one who had been the companion of Wellington, one who bore on his person the scars of war inflicted in the heat of battle—might have been a good ground for confidence on the part of that army, and for confidence on the part of the country. Those who loved the noble Lord, might have wished that he had fallen, like Wolfe or Nelson, in the arms of Victory. That, however, was not the design of Providence; but we may say that, though he has thus been called away, nothing even in victory could have surpassed the devotion he has shown to the cause of his Sovereign and of his country—a devotion worthy of the name he bore, worthy of the nation he served, and worthy of the great General in whose footsteps he followed.

MR. MILNER GIBSON: Sir, without wishing to appear to dissent in any way from the wishes of the Committee, I desire to take this legitimate and constitutional opportunity of making some inquiries of the Government in reference to the policy which they are now pursuing in the East, and the objects they are now seeking to accomplish—[*Cries of* "Order, order!"] Sir, I beg to observe I started by saying that I would not interfere with the Motion immediately before us; but I put it to the Committee whether, when the Crown asks us to reward the services of those who have been fighting the battles of the Crown, we are not at liberty to ask the administration what is their policy, and what are the objects they are seeking? With regard to the particular question before us, I cordially concur in that Motion. I, for one, have thought Lord Raglan has been unfairly condemned. I think there has been an attempt to fasten upon him the delays and the disasters that have occurred since the fatal expedition to the Crimea took place; and I am glad to hear the right hon. Gentleman the Member for Buckinghamshire on this occasion, reminding us, that it was against the judgment of Lord Raglan that this expedition was undertaken; and in his despatch to the Duke of Newcastle, he distinctly says, it was more in deference to the views entertained by the British Government, and the known acquiescence of the Emperor of France, that the expedition sailed for the Crimea than from any knowledge possessed by our generals or admirals of the strength of the fortress about to be attacked, or the strength of the enemy's forces. From these considerations I have always felt that the British Commander in Chief has been—I will not use so strong an expression as that which fell from the noble Lord the Member for the City of London—namely, that he was "slandered by a ribald press;" but I will say that he has been rather unfairly dealt with—when we recollect that he was carrying out an expedition dictated from Downing Street and Paris, and the policy which he did not approve of—if that be so, then are we not at liberty to ask for some information from the Government—have I not a right, as a Member of the House of Commons, called upon to make a vote of the public money—called upon as I am to take part in that responsibility, have I not a right upon this legitimate and constitutional occasion to seek for some information from the Government in reference to their policy? Now, since we debated this question—I mean the general question of the war—new matter has presented itself. We have had papers laid before us, we have had new proposals, and we have had a most extraordinary circular from Count Buol, the Austrian minister, addressed to the Austrian diplomatic service, in which he informs us that the noble Lord the Member for the City of London entirely consented to the last Austrian proposal, and that he engaged to influence the Government at home to adopt that proposal. Well, then, I ask, in what does the noble Lord the Member for the City of London differ from the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), the right hon. Baronet the Member for Carlisle (Sir J. Graham), or the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert), who left the Government to which he belongs? It seems the noble Lord has adopted the last proposition as a fitting solution of the question in dispute; but is he then to be allowed—or, at all events, Gentlemen who are his supporters—is he to be allowed to charge Gentlemen sitting here (below the gangway) with being willing to agree to what is called an "ignominious peace," actually when he himself, holding office, knew that he had given his full assent at Vienna to those very proposals which we ventured to describe as containing the elements of the solution of the question? I do not say the noble Lord made such a charge, but his supporters did. I say, if there was but little chance of a successful issue in consequence of the divisions in Lord Aberdeen's Cabinet, let me ask, is the present Government agreed, any more than the Government of Lord Aberdeen, as to the policy they are pursuing? Has the noble Lord changed his opinions? If he has not —if he thinks that the Austrian proposal was an honourable and just solution of the question in dispute—

MR. H. HERBERT: Sir, I rise to order, and I will appeal to you whether such a question as this can be legitimately raised by the right hon. Gentleman while the original Motion remains still before us.

MR. FITZROY: I have only to say, that after the freedom of debate which I have seen exercised on such occasions as the present, it is not competent for me to stop the right hon. Gentleman.

MR. MILNER GIBSON: I shall be really most happy to bow to the inclination of the Committee, if it wishes the discussion to be continued, and if any other hon. Gentleman wishes to address it; but I really thought that the question before us had been disposed of—["No, no!"] Well, I feel I have a right to make any observations I please on this occasion upon the policy of the administration, and so I shall proceed. Now, Sir, the circular to which I alluded I hold in my hand, and that circular states—

> "The before-named Ministers of France and England, in a confidential interview, showed themselves decidedly inclined to our proposal, and they undertook to recommend its adoption to their Governments with all their influence."

And Count Buol goes on to say that—

> "The Austrian Government were surprised at receiving, not the acceptance of the British administration to their proposal—but they were surprised at receiving the opposition of the English Ministers to the views of their colleagues in the conference."

Well, is that a state of things which this House ought to pass over without inquiry? Or are we not entitled to ask the noble Lord the Member for the City of London, whether he holds the opinion that the last proposal contained a proper settlement of this unfortunate war; and, if he does, whether he can explain his retention of office in the present Government? It appears to me to be at this moment peculiarly appropriate that we should have a clear understanding, seeing the disasters and difficulties that daily befall us—that we should have a clear understanding whether the Government is itself agreed as to the objects of the war, and also, whether they will not be more explicit than they have hitherto been, or appoint some day when they will put the House in possession of a more complete statement as to the objects of this expedition. Sir, there is a painful subject to which I would also allude, and in reference to which I think a heavy responsibility rests with Her Majesty's Administration. I put a question to the noble Lord the Prime Minister the other day, in reference to certain horrible atrocities reported to have taken place at Kertch, stating that I did not believe the accounts I had read. I also said, as I repeat now, that I did not believe the English lieutenant general, either from his apathy or negligence, was the cause of those disgraceful excesses. I find, however, from private letters—not that it is alleged that the English lieutenant general was to blame—not that any British soldier permitted those excesses of the most atrocious description that were committed in the town of Kertch—but I find it is stated that no Russian soldiers having remained in the town, the inhabitants threw themselves upon the mercy of the allied armies. I would submit, then, that under those circumstances it was the duty of somebody —and as the Government directed that expedition, and seem to control the conduct of matters in the East—I say it was their duty, having taken possession of the town, and the legitimate authorities being removed, to have provided a substitute. Most unquestionably, to have allowed pillage—to have allowed the violation and murder of women and children, for want of a force to keep order—I say, whether it was the Turks or others that did these things, the responsibility rests with those who managed the expedition—the responsibility rests with Her Majesty's Government, for not providing a force of adequate amount to protect life and private property in the town. And therefore I do not think it at all satisfactory the answer which the noble Lord gave me, that he would merely inquire into the subject. What I say is this—as an Englishman I feel disgraced by these atrocities, and that I do not think this is the way to promote civilisation, or to protect the weak against the strong. And although you may arrogate to yourselves all this desire to promote liberty and the interests of mankind, you will not get credit for such intentions, if the practical results of your expeditions are—that unoffending towns are pillaged and destroyed—that museums are gutted—that works of art are mutilated—that women are violated and helpless children are murdered—if this is the way you are to act as the pioneers of civilisation—all I will say is, that I have completely misunderstood the meaning of the term. I do not wish to interrupt the unanimity of the House in regard to the particular vote before it, a vote in which I cordially concur. But I thought myself justified in taking this proper constitutional opportunity of pressing upon the Government the necessity of some explanation of the position of the noble Lord the Member for the City of London (Lord J. Russell). As Secretary for the Colonies and as a Member of the Administration, he is supporting what we are told is a just and necessary war; but, as the British Plenipotentiary at Vienna, he informed Count Buol that the last proposal of Austria offered the means of an honourable solution of the question, and that he was prepared to influence his Government to agree to it. I wish to ask the noble Lord to explain to the Committee, whether he has changed his opinion, or whether he is trying to influence the Government to agree to the Austrian proposal? Perhaps the noble Lord is at the head of the peace party in the Cabinet, to which allusion has been made by the public press of the country. As I am a humble political follower of the noble Lord, I should be glad to hear that he is endeavouring to prevail upon his colleagues in the Government to agree to the last proposal of Austria. I wish to ask, first, whether the noble Lord is prepared to give an explanation of his present views; and secondly, whether the Government have taken steps to protect in future, life and property in defenceless towns, when taken possession of by the allied troops, and whether they are prepared to institute an inquiry into the late atrocities at Kertch?

VISCOUNT PALMERSTON: Sir, there are times and seasons for all things. The right hon. Gentleman must, of course, be the best judge of what it is fitting to introduce upon the present occasion; but I must say that I differ from the view which he appears to have adopted on the present occasion. I can only say that, although Her Majesty's Government have been ready at all times, and will be ready in all future time, to defend their course of action, and to explain that which they think requires explanation, I will not be led by any taunts of the right hon. Gentleman, or by any challenge which I may receive, either from himself or any of his friends, to mix up a subject which ought, I think, to receive the undivided attention of the House with one which may create acrimony, or rouse the hostility of the peace party.

Motion *agreed to.*

Resolved, Nemine Contradicente,

1. "That the annual sum of One Thousand Pounds be granted to Her Majesty out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the said Annuity to commence from the second day of July, one thousand eight hundred and fifty-five, and to be settled in the most beneficial manner upon Emily Harriet, widow of the late Fitzroy James Henry Lord Raglan."

Resolved, Nemine Contradicente,

2. "That the annual sum of Two Thousand Pounds be granted to Her Majesty out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the said Annuity to commence from the second day of July one thousand eight hundred and fifty-five, and to be settled in the most beneficial manner upon Richard Henry Fitzroy Lord Raglan, and the next surviving heir male of the body of the said Richard Henry Lord Raglan."

House resumed.

MR. MILNER GIBSON: Now that this question is over, I beg to ask whether the noble Lord, as a Minister of the Crown, will condescend to explain whether the views which he entertains upon the last proposition submitted by Austria at the Conferences at Vienna are the same as those which he entertained when acting as British Plenipotentiary? As a Member of Parliament, I conceive that I am entitled to put this question.

LORD JOHN RUSSELL: I must postpone giving any answer until the question of the policy of the Government is before the House, and there will be more than one opportunity for bringing that subject forward. I will only say, at present, that the right hon. Gentleman has totally misrepresented the facts.

MR. MILNER GIBSON: As the noble Lord has charged me with misrepresentation, I beg to say when the noble Lord charges me with misrepresentation—[*Cries of* "Order, order!"] Surely, when I am thus charged, the House will permit me to make a short explanation. Now, all I have to say is, that I quoted Count Buol's despatch for my assertion, and the House will recollect that the hon. Baronet opposite (Sir J. Walsh) put a question the other day to the noble Lord, as to whether the contents of Count Buol's despatch, as

I quoted it, were correct; and the noble Lord stated that they were. Therefore, if I have in any way misrepresented the noble Lord, it has arisen from the fact that the noble Lord had stated the despatch was correct.

Subject dropped.

ARMY PROMOTIONS.

Mr. RICH said, he rose to move—

> "That the authorised system of purchase and sale of commissions, promotions, and exchanges in the army has failed in its principal object, is unjust in its working, is openly transgressed in its pecuniary regulations, and is in direct violation of the principles and practice of the Government in all other departments of the State; and that, therefore, it should be continued no longer than is necessary for the just and gradual satisfaction of the claims of individuals and of the State."

He must express his regret that he had been compelled to postpone the Motion until so late a period, for the question was one which, important at all times, became doubly so now that the Ordnance had just been brought under the control of the Horse Guards, and when it was proposed to assimilate the army of India as much as possible with the Queen's army. It was evidently of importance to consider the question of the purchase and sale of commissions before any steps were taken to extend that system to an extensive branch of our own service and to the army of the East India Company. The question became of even still more vital consequence, when it was remembered that in a discussion which had recently taken place in that House, principles had been avowed which would materially change the system of purchase and sale of commissions as now carried on, and would open the door to a very heavy and considerably increasing charge upon the country. In the remarks which he was about to offer he had no intention of citing individual cases, preferring to deal with the whole question in the aggregate rather than in detail. The House, probably, was not aware of the extent to which the system of sale and purchase prevailed in the British army. He found, from the Report of the Commission which sat upon the subject in 1840, that during the four years between April, 1834, and April, 1838, no fewer than thirty-nine colonels had purchased their promotion, while twenty-eight had obtained it without purchase. In the same period 108 majors obtained their promotion by purchase, and forty-one without; 485 captains obtained their promotion by purchase, and 131 without; 784 lieutenants obtained their promotion by purchase, and 247 without; while 1,114 gentlemen obtained their appointments as cornets or ensigns by purchase, and 260 without. Of those 260, 160 were cadets, and thirty-three had been raised from the ranks. The efficiency of the army must depend upon the preparation of the officers, their fitness for the profession, their addiction to it, and their physical qualifications. With regard, first, to the requisite preparation, he found in the case of the 1,114 who had obtained their commissions by purchase no trace whatever of such preparation on the part of any of them except that sixty-three had been at the military college, although he could not find that they had gone through the examination which entitled them to receive a certificate.

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

The House was adjourned at a quarter before Eight o'clock.

HOUSE OF COMMONS,

Wednesday, July 4, 1855.

Minutes.] Public Bills.—1° Militia Officers' Qualification; Grand Juries (Ireland); Treasurers of Counties (Ireland); Sale of Spirits (Ireland); Commons Inclosure (No. 2).

2° Burial of Poor Persons.

3° Dwelling Houses (Scotland); Stock in Trade; Copyhold, &c. Commissions Continuance; Duchy of Lancaster Lands.

MORTMAIN BILL.

Order for Committee read.

Sir GEORGE GREY said, as the hon. and learned Gentleman (Mr. Headlam) who had charge of the Bill was not present, he thought it would be better to postpone it.

Mr. HADFIELD said, he trusted the House would proceed with the Bill. If it did not go through Committee that day it might not pass this Session, and there was no opposition to it.

Mr. G. BUTT said, that his hon. and learned Friend (Mr. Atherton), who brought the Bill in was absent, and had not intended, he believed, to press it forward at a period when it could scarcely be expected to pass during the present Session.

Mr. MOWBRAY said, he believed that his hon. and learned Colleague was only absent accidentally. Probably it had better be proceeded with.

SIR G. GREY suggested, that it should be put after the other orders.

MR. HADFIELD observed, that if it did not go through the Committee this day, it would be certainly lost for the present Session. He should press the Motion.

The House then went into Committee on the Bill.

VISCOUNT PALMERSTON said, several Amendments were on the paper: were the hon. Members who proposed them present?

MR. MOWBRAY said, there were no Amendments. There were only two new clauses to be proposed; to which he did not believe there was any objection.

The Clauses 1 to 6 were successively *agreed to.*

On Clause 7,

MR. G. BUTT proposed an Amendment to omit certain words, for the purpose of introducing a new clause.

SIR G. GREY observed, that the words could, of course, be re-introduced if the new clauses were not agreed to.

MR. BUTT assented.

MR. MOWBRAY thought the absence of his hon. and learned Friend (Mr. Headlam) was attributable to some misunderstanding.

The House then went into Committee on the Bill.

The whole of the clauses were *agreed to.*

MR. MOWBRAY said, he would now beg to propose to add a new clause to the Bill, the object of which was to do away with the distinction which had hitherto obtained between pure personalty and realty. He had done so on the recommendation of Mr. Pemberton Leigh, made in the evidence he gave before the Mortmain Committee. The clause he had to move, as an addition to Clause 6, was as follows—

"And whereas it has been held, on the construction of the first-recited Act, that a pecuniary bequest to or in trust for any charitable use is void under the provisions of the said Act, to the extent of the proportion which the assets of the testator, consisting of personalty savouring of realty, bear to the assets of the testator consisting of pure personalty; and if the assets of the testator consist entirely of personalty savouring of realty, then that such bequest is wholly void, and by the rules of courts of equity the assets are not marshalled in favour of such bequest, whereby the lawful intentions of testators are often disappointed: be it enacted, that no pecuniary bequest to or in trust for any charitable use contained in any will or codicil made after the passing of this Act shall fail or abate by reason only that the assets of the testator shall consist wholly or in part of personalty savouring of realty, but every such bequest shall be payable as well by and out of such assets as last aforesaid as by and out of any assets consisting of pure personalty, in the same manner in all respects as a pecuniary bequest of like amount made by the same will or codicil to a purpose not charitable would have been payable if the same had been substituted therein for such charitable bequest, anything in the said recited Act and any rule or practice of equity to the contrary notwithstanding."

SIR GEORGE GREY said, he should make no opposition to the clause, on the understanding that his hon. and learned Friend the Solicitor General, who was unavoidably absent, should at a future stage take what course he thought proper with respect to it.

Clause *agreed to.*

MR. G. BUTT said, he wished to add the following new clause also to Clause 6—

"And whereas by the hereinbefore recited Act, passed in the ninth year of the reign of His late Majesty King George II., it was also enacted, that from and after the 24th day of June, 1736, no sum or sums of money, goods, chattels, stocks in the public funds, securities for money, or any other personal estate whatsoever to be laid out or disposed of in the purchase of any lands, tenements, or hereditaments, should be given, appointed, or any ways settled in trust or for the benefit of any charitable uses whatsoever, unless such gift, appointment, or settlement of any such sum or sums of money or personal estate (other than stocks in the public funds) were made in the same manner and subject to the same conditions as are by the now reciting Act enacted and prescribed in reference to corporeal or incorporeal hereditaments, and unless such stocks were transferred in the manner and subject to the conditions in the same recited Act also enacted and prescribed in reference to such stocks; and whereas doubts have been entertained as to the meaning of the last hereinbefore recited enactment, be it enacted, that no bequest contained in any will heretofore or hereafter to be made for any charitable uses whatsoever, which bequest is or shall be valid in all other respects, shall be deemed to be null and void within the meaning of the last hereinbefore recited enactment, unless by the will containing such bequest it shall be imperatively required that the subject matter of such bequest shall be laid out or disposed of in the purchase of lands, tenements, or hereditaments."

Clause *agreed to.*

House resumed.

Bill *reported,* as amended.

The House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, July 5, 1855.

MINUTES.] PUBLIC BILLS.—1ª Stock in Trade; Copyhold, &c. Commission Continuance; Piers and Harbours (Scotland).

2ª School Grants Security for Application; Burial-Grounds (Scotland); Dwellings for Labouring Classes; Indemnity.
3ª Union Charges Act Continuance.

THE QUEEN'S MESSAGE—THE LATE LORD RAGLAN.

The **LORD CHAMBERLAIN** *reported* to their Lordships that the Address which had been voted on Tuesday last, in answer to the Message from the Crown, on the occasion of the Death of Lord Raglan, had been most graciously received by Her Majesty.

THE MILITIA (SCOTLAND).

The Duke of **BUCCLEUCH** said, he wished to call the attention of the noble Lord the Minister of War to the want of barracks for the militia in Scotland. He could trace many of the offences which were committed by the men to the peculiar position in which they were placed, and which rendered it impossible to enforce discipline among them. By the Scottish law, regiments were only to be quartered in certain ancient market towns and boroughs, where some of them had now remained for several months. He particularly observed that this inconvenience had been severely felt at Dalkeith. He had applied to have the regiment removed to barracks, and had suggested that some method of hutting them might be adopted, but nothing was done; and this system of billeting in private houses, and the crowding and indecency which it caused, were felt to be an intolerable grievance. He wished to know whether any better arrangements were about to be made for providing accommodation for the militia in Scotland?

Lord **PANMURE** said, he quite admitted the existence of the evil, but was afraid it could not so easily be remedied. The large numbers of militia who had been called into existence in Scotland were far beyond what the barracks in that country could provide accommodation for. He had endeavoured to supply the want as far as possible; but, with hutting works of a very extensive character going on in England and Ireland now, he had not been able to do so to the extent he wished. As fast as he could remedy the evil he would endeavour to do so; but it would be some time before it was possible to remove from billetings one-half of the regiments which were in that country; and it must be regarded as one of the hardships that were incidental to a state of war.

RECRUITING FOR THE ARMY.

The Earl of **ELLENBOROUGH**: I wish to put a question to the noble Lord at the head of the War Department with reference to the plan which he announced to your Lordships on Thursday last for increasing the pay of the soldiers engaged in service in the field. I had the misfortune of not being present on that occasion; but the noble Lord is reported to have said that he proposed to add 1*s.* to the daily pay of every soldier employed in actual service against the enemy, and that this should have a retrospective effect and date from the time when the army landed in the Crimea. [Lord Panmure: That is a mistake.] And a most important one, as it concerns nearly half a million of money. I suppose, however, that I am not incorrect in thinking that this additional pay will not at once be given to the men, but will be held back and invested in the savings-bank. The noble Lord stated that this was a more economical arrangement than that of increasing the bounty, because that course led to desertion. Of course the noble Lord, from the returns showing the number of men enlisted and the cases of desertion, is enabled to form a correct judgment with reference to the effect of increasing the bounty; but with regard to the economy of his arrangement, in comparison with the expenditure by increasing the bounty, I must state that, if we were to add 14*l.* to the bounty now given, and supposing 50,000 men were to be enlisted in the course of the year, still the plan proposed by the noble Lord would be more expensive than this enormous addition to the present bounty. Calculating that the number of men who will be entitled to this additional pay will not be less than 40,000, the expenditure in consequence of this new arrangement will amount to 730,000*l.* a year. It is found by experience that there is always a considerable difference between the number who are actually ready for service in the field when their services are wanted, and the numbers who come forward to demand any reward that is offered for a particular campaign; and, therefore, although the noble Lord may not probably be able to produce 30,000 bayonets in the field, I apprehend that there will not be fewer than 40,000 applicants for the additional pay. I confess, my Lords, that I object on principle to the arrangement proposed. When I last alluded to the absolute necessity of our adopting immediate measures for strengthening our military resources, I was anxious, if the noble Lord had not then been absent, to make a few observations on this particular subject. I should myself have recommended an increase in the pay of the army; but, undoubtedly, my suggestion would have gone to secure that the addition should be in reality paid into the soldiers' hands; for my firm belief is that, unless the money is so paid, it will not have the effect of inducing recruits to join the service. The object of your measure I take to be to increase the number of recruits; and therefore you should do nothing inconsistent with, or that goes beyond, that object. You do, however, act inconsistently with your object when you defer the payment of the additional remuneration, because we all know how comparatively little people care about any reward which is thus postponed, and which, on that account, does not operate as an active stimulus. I think, therefore, that the noble Lord will be incurring an expenditure of 730,000*l.* a year without any reasonable prospect of obtaining additional recruits. I hold it to be inexpedient to attempt to engraft a moral lesson upon the giving of smart-money to recruits. When you ask a man to enter the army, you do not ask him to do the most prudent thing in a worldly point of view. Poets and philosophers have often represented the various pursuits which offer themselves to man as appealing to different motives to induce him to enter them; and each has been depicted as endeavouring to win votaries by depreciating the charms of its rival. The noble Lord has—I cannot say improved upon the inventions of poets and philosophers, but—gone beyond it. By his measure he offers the soldier the threefold advantage of economy, self-denial, and enjoyment. He holds out to him at once all the attractions of saving money and all the pleasures of getting drunk. The expense of the noble Lord's scheme must, however, be very serious to the country, and therefore I wish to know whether it is his intention, while offering the prospect of largely increased pay to the recruit, at the same time to continue to him the high rate of bounty which has been given within the last few months? If he means to do so, he will be establishing two conflicting kinds of inducements. It is worth while considering this question of bounty. That which appears in the public accounts as "levy money" is composed of these three different items—first, the bounty actually paid to the recruit for his own use and benefit; secondly, the money paid into his hands under the name of bounty, but which is afterwards taken from him for the purchase of necessaries; and thirdly, the portion which entirely goes to defray the expenditure of the superintendence and the allowances to the recruiting officers. Now, I think it is desirable that in all future statements of the public accounts these distinct items should be separated; and that the amount which is paid as bounty to the soldier should be a net sum, clear of any deduction for the purchase of necessaries, the expense of which should be borne by the country. There are several other things besides additional pay which I think would largely increase the influx of recruits. I am told, for instance, that an over strictness is enforced in approving recruits, by which too much weight is given to trifling blemishes, such as a slight cast in the eye or a varicose vein in the hand, which are not defects interfering in any degree with their efficiency as soldiers. When you refused to receive a man unless he reached a certain standard, it might have been all very well to require that he should also be perfect in every respect; but, after you altered your system and consented to accept inferior men, you ought likewise to lower your standard of perfection as well as that of height. I am informed that the number of men rejected on frivolous grounds is very great; and, when these persons go back to their own districts and tell their tale, they dishearten others who would have been inclined to enlist, and thus your recruiting service materially suffers. Again, men are deterred from entering the army by the excessive rigidness with which the regulations for granting pensions are applied. I believe that some old soldiers who have served for years in India have been exposed to extreme hardships from this cause. Now, however necessary it may be for the protection of the public that regulations should be established, it is at the same time absolutely essential that the power of relaxing them, under particular circumstances, in favour of men who have done good service in the field, should be intrusted to some person or body of persons in authority. Another matter of great importance is, that it would be advisable for the purpose of acquiring a pension that a campaign should count for two years. This would be a rational as well as a liberal arrangement. Another point deserving attention was this:—few things could be more gratifying to the army than an arrangement that could be made, by a modification of the poor law, to render an old pensioner no longer compellable, before receiving relief, to enter the workhouse as a test of his destitution, and to enable him to enjoy, in the shape of outdoor relief, a larger amount of comfort than is extended to persons who have never done service to the State. My Lords, I am an advocate of any measure that will render the militia complete and effective. I am satisfied that that force is a reserve on which we may always fall back; and I believe that a man who has previously served in a militia regiment which has been actually embodied will be invariably found more desirous of joining your army than one who has never seen any such service. But, in dealing with these militia-men, to induce them to volunteer for the regular army, it would be far better on all occasions as far as possible to employ the intervention of officers and gentlemen rather than that of the ordinary recruiting sergeant, and also to afford the largest choice in regard to the regiments to which the men might be desirous of attaching themselves. The particular question which I wish to put to the noble Lord is, whether it is the intention of the Government to leave the bounty at its present amount when the pay of the soldier in the field is doubled?

Lord PANMURE said, he was glad the noble Earl had put this question, for it would afford him an opportunity of stating more particularly the nature of that change of which he thought it right the other day to make an announcement. The object of it, no doubt, was to effect that which he was bound to say existed at present only partially, namely, the encouragement of the youth of this country to enter into the regular forces. But, at the same time, he (Lord Panmure) could not say that he had altogether left out of sight the intention of doing something to benefit and improve the condition of those gallant men who were bravely and nobly exposing, and too frequently sacrificing their lives for their country before the enemy in the Crimea. The expense which would be incurred by this change was an expense which he was afraid the country must make up its mind to endure if this war was to be prosecuted with the vigour which we all desired. And when he stated that it would be a measure of economy, he meant that it would be far cheaper in the end, instead of being obliged to rise to the high bounties of the last war, to institute at once a system by which, without further raising the bounty, we might obtain for the army a sufficient number of recruits. But it was one of the great features of this plan that the promised addition to the soldier's pay was to be given only to those engaged in actual war, or to those at present serving in the Crimea, but that this extra shilling should not come into the hands of the soldier until the termination of the war, or until the period of his service had expired. Since he made that announcement he had been informed by a great many military officers, to whose opinions he felt bound to listen, that unless the soldier got the pay into his own hands, the plan would not be likely to succeed. In the face of these representations, he did not think it would be right or proper for him to ask the nation to risk entering upon so great an expenditure, for the purpose of trying a plan which he was told by experienced officers would perhaps fail to produce the result intended. But, on the other hand, putting at once into the soldier's hands an amount of pay increased to the extent which he had named, would, in his opinion, go far to affect the soldier's discipline: if he had too much money, he might find it pleasing, and perhaps convenient, to incur a breach of discipline. He (Lord Panmure) had therefore so far altered the scheme that, instead of investing a shilling a day for the soldier's benefit at a distant period, he now proposed immediately to put the additional sum of sixpence a day into the hands of the soldier as an extraordinary field allowance, precisely in the same way in which extraordinary field allowances were now paid to the officers. He proposed, instead of putting it into the savings bank, to give the soldier the benefit of an arrangement which existed in the navy, and which was voluntary on the part of the men themselves, but encouraged by their officers; and to enable the soldier to allot any part of that sixpence to his family, instead of receiving it himself. He proposed, also, that this sixpence, if not so allotted by the soldier, should, under certain circumstances of insubordination, be put in the power of the commanding officer to stop it from the hands of the soldier; but that whenever this sixpence a day was so stopped by the commanding officer, it should be invested for the soldier's benefit, and not forfeited entirely. Of course, like all the rest of the soldier's pay, it might be forfeited under the sentence of a court martial. Such were the modifications he now proposed to make in the scheme he announced the other day. He must say he did not think that the noble Earl had shown that discretion which might be expected of him, in saying that the profession of a soldier was, perhaps, one of the most imprudent which a man could adopt. He (Lord Panmure) was not sure that, even in a worldly point of view, it was so. The profession of a soldier, he thought, taking all things into consideration, was as well paid as that of a labourer. In addition to this, the soldier, if enlisted at the age of eighteen, had the advantage of receiving as good an education as it was possible to give him, by which his mind was cultivated with various branches of literature, and he was qualified for an useful member of society. These advantages, it appeared to him, should be a great temptation to heads of families, to advise their children to embrace the military profession, though at present, in time of war, people might be unwilling to send their children into it. He maintained, without fear of contradiction, that the condition of a professional soldier was not, by any means, the worst a man could choose. Upon the other questions put by the noble Earl—namely, with respect to the distribution of bounty—he (Lord Panmure) very much agreed with him; and had long had it under consideration to propose, although there might be some difficulty in doing it, a separation between the bounty paid from that which was subtracted from that fund for the purchase of necessaries. Those who knew soldiers must be aware that when the bounty was fixed at a particular figure, they sometimes would understand as little about the taking off of a certain sum for the purchase of necessaries as they would understand, after joining the regiment, their not receiving that sum, because such necessaries had been purchased out of it; and so any such arrangement would cut both ways. On the whole, he thought it would be best to be fair and honest and open with the soldier; that we should name as bounty that which was actually given to him, and that we should provide him with necessaries according to a certain list and a certain tariff, which he might always have in his possession. This could be done more easily and systematically now that the provision of all these things was under Government control, and they could be furnished in the same manner and at the same price, so that the recruit might be enabled to understand it. With regard to the levy-money, it was at present distinctly understood, and there was an estimate for so much on account of it every year, but the bounty consisted properly of that which was immediately paid to the recruits. The noble Earl had asked whether it was intended to reduce the bounty; in answer to which he (Lord Panmure) could only say, that he had no intention whatever of doing so—at least, until the conclusion of the war; the bounty had been only once increased since the war began, and if we had gone upon the old plan it would have been twice, or probably a third time, raised already. He did not intend to return to the lower rate of bounty, because, although this extraordinary allowance was to be given to the army in the field, it was still fair that some encouragement should be given to many of those who were enlisting, not for the Crimean service, but for the colonial, Indian, or any other service. The noble Earl said difficulties had been put in the way of recruiting, by various causes. He said, firstly, that there was too stringent an adherence to medical requirements, in passing the doctor's examination. It would be very difficult, and, indeed, very unwise, to relax them, as one of the cases mentioned by the noble Earl would show. If a man were accepted with a slight varicose vein, he might in a year or eighteen months be totally and entirely unfit for service, in consequence of any severe exertion aggravating such a defect. There were a great many other such defects, which, although at first they might appear to be very slight, would afterwards, if they were passed over, make a man quite unfit for duty. He could assure the noble Earl that every relaxation of the rule in these cases that could with safety be made would be adopted, but there were many points in the medical examination which could not, and ought not, to be departed from. With regard to the interpretation of the pension warrant, he did not exactly understand to which warrant the noble Earl alluded, for there were several warrants under which the soldier received an allowance. He had assisted in drawing many; and they were all so drawn as to give the utmost latitude to the intention with which they were drawn. When, however, a warrant came to the War-office, they were obliged to adhere to it strictly, because, such was the multitude of cases that came before them, that if an exception were made in one case exceptions would be asked for in a thousand other instances, and there would be no use in passing a pension warrant at all, because ultimately, under such circumstances, the whole pension system would resolve itself into a question of the discretion of the Secretary for War. There was, however, a power, when any exceptional cases occurred, which enabled the Secretary for War to refer these cases to the Treasury. With regard to the question of a campaign counting for so many years' service of the soldier, that was not a new principle in the British army, for in the case of Waterloo, a single battle, it counted to the soldiers engaged in it for two years' service towards a pension. He saw no reason, therefore, why, at the end of the war, there should not be a regulation made in the case of the Crimean campaign similar to that in the case of Waterloo. With regard to the last question of the noble Earl, that of out-door relief, that was a subject which he hardly felt competent to deal with. All he could do was to take care, in administering military pensions, that no poor-law guardian should lay his hands on the pension of an old soldier. He did that while he was formerly Secretary at War, and he would do so now. He had it in his power as Secretary for War to pay the men their pensions daily or quarterly as he should think fit. If a man was improvident it was paid daily, but if he was provident it was paid quarterly; and if he had a family and was provident, there were even cases in which an advance of pension could be made; and therefore he could protect the soldier altogether against the poor-law guardian. But, as regarded out-door relief as an addition to the pension, that was rather a question for the Legislature to decide than the Secretary for War. When the pension warrant, which was issued when he (Lord Panmure) was Secretary at War, came into operation, he thought there would be no occasion for any pensioner to receive out-door relief; for any well-conducted soldier, after a service of twenty-one years, would retire at the age of thirty-nine with a pension of 1*s*. a day. That is, he was entitled for service to 8*d*. a day, and he could add 4*d*. a day to it by good conduct, any man who received four good conduct stripes receiving a 1*d*. a day for each stripe; and any man receiving 1*s*. a day ought to be above the necessity of applying for poor-law relief. He had now answered the questions of the noble Earl, and he could only add that he hoped the alteration in the mode of giving the increased pay to the soldier in the field would be found satisfactory.

THE EARL OF ELLENBOROUGH said, he was aware that even under the system which had hitherto prevailed, a man of long and good service might obtain a pension which would suffice for his comfortable maintenance. He happened to have himself in his service two old sergeants who were each in the receipt of a pension of 1*s*. 10*d*. a day. But he apprehended that, as the law stood, a board of guardians in granting relief to an old pensioner would be compelled to take into consideration the amount of pension he received. There was one point which he wished to bring under the consideration of the noble Lord, although he was not anxious to elicit any statement of his opinion with respect to it at that moment. He had heard with great satisfaction the proposed modification of the plan which the noble Lord had originally announced; but he would throw it out for the consideration of the noble Lord whether the whole of that additional pay should be given to a soldier when he was in the hospital. Formerly a portion of the pay was kept back from a soldier in hospital, but at present it was all retained for his benefit, and given to him when he came out of the hospital. It appeared to him that it was a matter well deserving of serious consideration, whether at present, when the increase of pay was so large, the existing arrangement upon that subject should be allowed to continue in operation. He regretted that the noble Lord should have thought that he (the Earl of Ellenborough) had been indiscreet in expressing his opinion that in a worldly point of view a man acted imprudently in becoming a soldier. He could only say that upon every occasion on which he had an opportunity of advising a man upon that subject, he had told him to discard worldly considerations, and to become a soldier, for he had always held that the first of all professions was that of a soldier, and the first of all rewards was military honour.

THE EARL OF MALMESBURY wished to ask whether there were any stoppages of pay while the men were in hospital in consequence of being wounded, and whether any difference was made in the case of men who were sick and those who were wounded? He thought that it was not fair even when a soldier lost his health in such a campaign as this and was sent into hospital that there should be any stoppages of his pay, but it would be a still greater hardship if he was compelled to be in hospital in consequence of wounds received in action. He should like to know if that was the case.

THE DUKE OF CAMBRIDGE said, in reference to the subject he wished to inquire of the noble Lord the Secretary for War whether it was meant that the non-commissioned officers, the sergeants and corporals, should also receive increased pay as well as the privates. He must take the opportunity of venturing to express his great satisfaction at the explanation given by the Minister for War. He highly approved of the additional pay which was intended to be given, and he was sure the army would hail it with the greatest satisfaction. He also thought that the modification of the plan which had been just stated would be of great advantage, as it did not merely hold out a reward to the soldier on his retiring from the profession, but would have the effect of giving him an additional amount of pay while he was actually in the service. He understood the noble Lord to say that facilities would be given to the soldier to remit money to his family. That was a most important part of the scheme, and it ought to be so arranged as to enable the soldier to do so without being embarrassed by unnecessary forms. He was also much gratified to hear that the increase of pay would not be accompanied by a diminution of the bounty on enlisting, because in that respect he thought it impossible to draw a distinction between the recruiting for the army in the Crimea, and the men on service in the Colonies and India, and he thought that the bounty ought not to be diminished. He was delighted to learn from the noble Lord the opinion he had expressed with regard to the manner of dealing with the bounty, a question which he had long thought was worthy of the consideration of the Minister for war. Many men enlisted with the idea that they were to receive the whole amount of the bounty; and he thought it was important, recruiting our army in the manner we did, that there should not be the least appearance of breaking faith with the soldier, and that we ought to give the men in money what was stated to be the bounty, and that their necessaries should be provided from a separate source. He begged to have an answer to his question, whether the non-commissioned officers were to receive increased pay. If so, he could not but congratulate the noble Lord on his plan, and he believed it would have the effect of procuring a great many men for the army.

The Earl of Malmesbury

LORD PANMURE, in reply to the question put by the illustrious Duke, had to state that it was certainly his intention to give to non-commissioned officers, namely, sergeants and corporals, the same additional pay as the men. It would be a field allowance such as existed in the case of commissioned officers, beginning with 2*s*. for ensigns, and going up, through every grade of the army, till it reached 1*l*. for the General Commanding in Chief. With reference to the question about the remission of money home by the soldiers, he understood that in the Navy each seaman could allot a certain portion of his pay, to be issued to his friends in this country, without any transmission from abroad being necessary. On the same principle, if any soldier wished to allot the whole or part of his pay to his relatives in this country, it would be issued to them by the authorities here on their producing the proper documents to prove that they were the parties to whom it should be paid. He agreed with his noble Friend opposite (the Earl of Malmesbury) that it was an extreme hardship to those who had been wounded in the service to have a stoppage made from their pay in hospital. Though the regulations required such stoppages to be made, they had been in the first instance reduced in the course of the present war, and were now entirely got rid of; and he might state, that it was not intended to reimpose those stoppages, which had been very considerable, without further consideration.

THE EARL OF HARDWICKE said, that the noble Lord the Secretary for War had stated that in the event of a soldier committing any offence which was to be dealt with by the infliction of secondary punishment, the additional pay would be stopped; but it would, nevertheless, be invested for him. The noble Lords opposite were better able to judge whether in secondary punishments pecuniary fines would be found effective, but he would suggest that if the money was invested for the man from whom it was stopped, he might borrow it if he wanted to have the money to spend.

LORD PANMURE said, if the money was invested in the savings-bank, it could not be drawn out without leave from the commanding officer.

THE MAINE LIQUOR LAW.

THE EARL OF **HARRINGTON** put the questions, of which he had given notice :—1st. Whether the Maine Law has passed the Legislatures of Canada and New Brunswick? A somewhat similar prohibition of the sale of alcoholic spirits was advocated by the foremost statesmen of this House in 1743, led by the Earl of Chesterfield, who said, "Luxury, my Lords, is to be taxed, but vice prohibited, let the difficulty of the law be what it will. Would you put a tax on a breach of the Ten Commandments? Would not such a tax be wicked and scandalous?" 2nd. Whether the enforcement of the Maine Law in Canada and New Brunswick was approved or disapproved by the Government of the parent State? 3rd. Whether both those Acts had received Her Majesty's Sign Manual? 4th. Whether the Maine Law can be put in force in Canada and New Brunswick without The Queen's Sign Manual? The noble Earl said he wished to remind their Lordships that at least two-thirds of the crimes committed in this country were attributed to habits of intoxication, and the Judges of the land regarded such habits as the most fruitful source of crime. Indeed, one learned Judge, in charging a grand jury, said to them, "If it were not for these drinking propensities you and I would have nothing to do." His conviction was, that ultimately the feeling of the people of England would be favourable to such a law as had been passed in the State of Maine.

EARL **GRANVILLE** said, that in reply to the question of the noble Earl, whether the Maine Liquor Law or any similar law had passed the Legislative Council of Canada, he begged to inform him that a Bill to that effect had been introduced into that assembly, but had been rejected on some technical ground. With regard to New Brunswick, he had to state, that a law prohibiting the sale of intoxicating liquors had been passed in that colony in the year 1852, and had received the assent of the Crown. In the year 1854 a law amending that previous Act, and prohibiting the sale of intoxicating liquors by night, had been adopted, and had also received the Royal Assent. He understood, however, that a Bill in opposition to that latter law had been passed this Session, but it had not yet reached this country; and he could not give the noble Earl any information with respect to its provisions. In answer to the question of the noble Earl, whether such a Bill would receive the Royal Assent, he had to state that that would depend on the fact whether or not a clause had been inserted in it reserving the action of the measure until it should have received the assent of the Crown.

EDUCATION OF CADETS.

THE EARL OF **HARDWICKE** rose to call the attention of the House to the State of Education of Cadets in Her Majesty's Navy. Some time ago, he had obtained a return on the subject, which was well worthy the attention of the Government. It showed, that although provision was made on board ships of a certain rating for the education of cadets by providing schoolmasters who had taken respectable degrees at the Universities, yet there were now in the fleet twenty-five said to be unprovided with schoolmasters. It was of the utmost importance at the present moment that the attention of the Government should be given to the education of our naval officers. At present a child of thirteen years of age, on entering the Navy, was required to pass an examination suitable to his age. He was then placed on board a ship, and delivered over to the schoolmaster, under whom he was supposed to gain a certain amount of education during the two years in which he had to remain in the position of a cadet. Supposing that education to be properly carried out, it was the most imperfect of all educations that could be given, for his attention was constantly distracted from it by being called upon to perform the duties of the ship, and by the variety of the scenes he witnessed, and the exciting nature of the services in which he was employed. He (the Earl of Hardwicke) considered that the system of education for naval cadets had completely broken down; yet these youths were called upon at stated periods to undergo most severe examinations, and unless they passed them satisfactorily they could not attain the position of midshipmen. Having served four years in that capacity, they had to undergo another serious examination before they were eligible for the rank of lieutenant. The only mode by which he got through these examinations was by a system of cramming, which was a most unsatisfactory course of proceeding. Fourteen or fifteen years ago the system was not even to be compared to that which was now given, and, in fact, the education given was no education at all. But there did exist an important and valuable seminary at which certain portions of instruction were given. After the Reform Bill, certain feelings were so strongly impressed upon the House of Commons that they gradually got rid of the Naval College altogether, thus abolishing the only system of naval education that existed at all. Then they set up a new system, which was the introduction of schoolmasters of high character on board ships of war. During a time of peace, that system might, and did, answer to a very considerable extent; but now, in time of war, in consequence of the difficulty of getting men of sufficiently high character, capacity, rank, and education for masters, the system had completely broken down. In the Naval College a distinct plan was followed. It took three years to complete the system of instruction, which comprehended hydrostatics, gunnery, mathematics, and every branch of naval tactics, so that at fifteen or fifteen and a half years of age the boys turned out proved very valuable accessions to the ships-of-war. For the period he thus spent at the College, the youth reckoned two years' time in the service. If he completed the regular course of education in less than two years, he was still allowed the two years' time; but, if he was not found proficient at the end of three years, he was considered incapable, and did not enter the service at all. The education given at the College was not only theoretical, but eminently practical, the pupils being taught hydrostatics, fortification, all the practical operations connected with seamanship, the use of cannon, and many other necessary branches of a naval education. At present, however, there was really no naval education at all, for the system which had been established upon the abolition of the Naval College was an entire failure. A child required to be trained to the naval profession from his infancy in order to become an efficient seaman, and, as the present system had broken down, he wished to ask Her Majesty's Government if it was their intention to re-establish a Naval College? If a college were established, at least 100 boys might be educated, thirty or forty cadetships might be given annually, and officers would be turned out accomplished and useful men. The education of a youth on board ship was, at the most, extremely imperfect. After all, it was nothing more than a professional education. No knowledge of languages or history was acquired, and no religious instruction was given; and, unless attention were paid to these important branches of education, he held it to be almost impossible to make a child a valuable servant to the country. Having felt deeply interested in this question, he had ventured to bring it before their Lordships, in the hope that the First Lord of the Admiralty might be induced to look seriously into the question, in order that some remedy might be applied to the unsatisfactory state of things existing at the present moment.

LORD COLCHESTER agreed in the remarks which had fallen from his noble Friend in reference to the unsatisfactory state of the education of naval cadets. From returns which had recently been moved for by his noble Friend, it appeared that there were only 86 ships entitled to carry schoolmasters out of 300 at present in commission. Two-thirds of our ships were consequently altogether without schoolmasters; but even supposing there was a schoolmaster to every ship, how could it be expected that now, in time of war, the boys would be attending to studies when cannon were booming in their ears? As far as instruction was concerned, he thought a boy's time could be much more profitably spent in a Naval College than on board a ship. In the French navy every officer was required to go through a course of study in a naval school, and he thought that if a similar plan were adopted in this country the service would be greatly improved. He must say the subject well deserved the attention of the Government.

EARL GRANVILLE said, he could not profess the same intimate knowledge of a technical matter like that under discussion as the two noble Lords who had spoken, but certainly the information with which he had been supplied gave him a very different idea of the character of the education now received by young cadets on board Her Majesty's ships, from that just given by the noble Earl. The noble Earl had referred to the severe examinations required of boys before they became cadets and midshipmen; but he complained of the inadequate nature of the instruction given to a boy before he became a midshipman. Besides the naval instructors, the Government had put the boys under the eye of the captain, and whenever there was no naval instructor the master received a gratuity for giving the required instruction to those young men. With regard to the boys being crammed, that was, no doubt, a danger, but it was one which no efforts had ever succeeded in entirely preventing. In a time of war like the present, neither the instructor, the captain, nor the boys were inclined to attend to instruction so much as in times of peace, but still he disagreed with the noble Earl in thinking that a child could not learn much that was useful in time of war, and much that would materially tend to form his character. The subject was, no doubt, of great importance, and he should make it his duty faithfully to report to the First Lord of the Admiralty what had passed in their Lordships' House, who would ascertain whether the representations of the noble Earl were strictly accurate; and he had no doubt that his right hon. Friend would attempt to improve the system, either by increasing the number of instructors or by establishing a Naval College.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 5, 1855.

MINUTES.] PUBLIC BILLS.—1° Lunatic Asylums (Ireland); Turnpike Acts Continuance; Lady Raglan and Lord Raglan's Annuities; Turnpike Trusts Arrangement.

2° Union of Contiguous Benefices; Gold Wedding Rings; Ecclesiastical Jurisdiction Continuance; Commons Inclosure (No. 2); Militia Officers' Qualification.

NUISANCES REMOVAL BILL.

Order for Committee read.

House in Committee.

Clauses 1 to 7 *agreed to.*

Clause 8. (Description of Nuisances Abateable.)

MR. WINN KNIGHT said, he begged to move to include the following words—

> "Any premises in such a filthy or unwholesome state as to be a nuisance to, or injurious to the health of, any person; any pool, ditch, gutter, watercourse, cesspool, and drains, or ash-pit so foul as to be a nuisance to, or injurious to the health of, any person; any animal, or any accumulation or deposit (within the limits of any town or street), so kept as to be a nuisance to or injurious to the health of any person."

SIR BENJAMIN HALL said, he did not object, except to the words in parentheses.

MR. HENLEY said, he thought it would be best to strike out of the clause the word "offensive," and confine it to such nuisances as were "injurious to health."

MR. WILKINSON said, that those latter words were by no means unsusceptible of doubt; for many people whose trades were dreadfully offensive, maintained that they were perfectly healthful.

MR. HENLEY said, that, nevertheless, the issue of injuriousness to health was clear and intelligible.

LORD ROBERT GROSVENOR said, that one medical man maintained that there was no such thing as a nuisance injurious to health.

SIR BENJAMIN HALL said, he would cite a passage from the medical evidence to support the observation of the noble Lord. One medical man asserted that bone-boilers' yards or horse-knackers' yards were not prejudicial to health. He proposed to strike out the word "offensive," and retain the words "nuisance, or injurious to health."

MR. ADDERLEY said, he would suggest that the words "nuisance" and "injury," were absolutely synonymous; the one being Latin, the other a French, version of the word "hurt" or "harm." Moreover it was rather unskilful in a clause defining the word "nuisance," to have the very same word to explain it.

SIR BENJAMIN HALL said, either the word "offensive," or the word "nuisance," must be introduced.

MR. HENLEY said, the word "nuisance" was well enough if the Bill were to be confined to what concerned other people. It was true that where A complained of B for any "nuisance," the word "nuisance" had a legal meaning. But the Bill gave a power of inspection and prosecution on the ground that something was a supposed "nuisance," not to any one in particular, but to anybody; which might be to nobody at all. Take the case of thirty or forty great hogs; why, they would be charming to an agricultural eye or nose, associated with prospects of rich manure and visions of future corn. But an inspector of fastidious nostrils and high sanitary views might deem the pigs offensive, and insist upon their being summarily suppressed. Let the clause by all means be confined to what was injurious to health.

VISCOUNT EBRINGTON said, he doubted if the word "nuisance" would not be limited by the words "injurious to health." Surely anything injurious to health was now a nuisance; but a nuisance might be without any injury to health.

VISCOUNT GODERICH said, if the word "offensive" were left out, it would be necessary to bring medical evidence in every case to support a prosecution, in order to show that the nuisance was injurious to health.

Sir GEORGE GREY said, he thought that there ought to be no prosecution without medical evidence.

Mr. BARROW said, he quite agreed that in a Bill giving summary powers, there ought to be no power of prosecution without medical proof that there was injury to health.

Lord ROBERT GROSVENOR said, it was not so at common law.

Mr. BARROW said, at common law a party had the benefit of trial by jury.

The word "offensive" was then struck out, and Clause *agreed to;* as were also Clauses 9 to 14 inclusive.

House resumed. Committee report progress.

MILITARY ACADEMY AT WOOLWICH—QUESTION.

Captain LEICESTER VERNON said, he begged to inquire of the hon. Gentleman the Clerk to the Ordnance whether, of the fifty-six gentlemen who it was said were to be commissioned in the scientific corps in the course of the month, it was intended to give precedence to the thirty admitted to the practical class in March last, without examination, over the remaining twenty-six, all of whom entered as cadets at the Royal Military Academy at Woolwich, and many of them at the Ordnance School at Carshalton, and all of whom had passed through all the examinations of the theoretical course, which up to the present time was the absolutely necessary qualification by which commissions could be obtained at all, it being rumoured that one, if not more, of these thirty-six gentlemen had failed at the examination for admission to the academy, when others of the twenty-six cadets had succeeded; the reported sole reason for such precedence being, that the thirty gentlemen were between the ages of seventeen and nineteen, whereas the ages of the twenty-six cadets were something under seventeen years.

Mr. MONSELL said, that the practical class at Woolwich was composed of two divisions; that the civil cadets had now, in their regular turn, become the senior division to be commissioned; that, under ordinary circumstances, this senior division alone would be commissioned in August, but that, owing to the pressing exigencies of affairs, the junior division would be commissioned at the same time. It was thought, however, that it would be unjust to the senior division not to commission that division the first. The matter was entirely under the control of the Lieutenant General of the Ordnance.

COAL AT HERACLIA—QUESTION.

Mr. W. EWART said, he wished to inquire of the hon. Gentleman the Secretary to the Treasury whether any further information could be laid before the House respecting the nature, supply, and cost of coal produced at Heraclia and other places on the south coast of the Black Sea?

Mr. WILSON said, that, by paying the labourers regularly, a course which had not been adopted for some time past, the quantity of coal produced had been increased from 30,000 to 60,000 tons, and that the quantity supplied was amply sufficient for the entire consumption of the British and French navies. The royalty paid to the Turkish Government was at the rate of 10*s.* per ton, and the cost of getting the coal and putting it on board was 15*s.* per ton, making the prime cost of the coal on board 25*s.* per ton. By an arrangement now making for laying down a tramway from the pit to the place of embarkation, it was expected that the cost of conveyance would be reduced by 5s. per ton, so that hereafter the cost would be reduced to 20*s.* per ton. The quality of the coal was good and suitable for all the purposes of steam vessels.

ORDNANCE SCHOOL AT CARSHALTON—QUESTION.

Mr. STIRLING said, he begged to inquire whether the Ordnance school at Carshalton was to be maintained, and if so, whether more pupils were to be admitted, and whether the school was to be placed under the superintendence of the Horse Guards or the War Office; and, in the event of the school being discontinued, what course was to be taken with regard to the pupils now in the establishment?

Mr. MONSELL replied, that it was not intended to keep up the Ordnance school permanently, but it was intended to keep it up for time sufficient to enable the education of the boys now in the school to be completed.

DISTURBANCE IN HYDE PARK—CONDUCT OF THE POLICE.

Mr. J. G. PHILLIMORE said, he wished to know whether it was intended by the Government to institute an inquiry into the conduct of the police in Hyde Park on Sunday last?

SIR GEORGE GREY said, he was not aware that any special inquiry was called for into the conduct of the police. He had received several communications from gentlemen, from which it appeared that the conduct of the police was open to no great exception, and that they acted with forbearance and moderation. A specific complaint had appeared in a public paper, signed, very properly, by the person complaining, who gave his own address and the number and letter of the policeman. In that case, as in every other in which anything tangible and specific had been stated, an inquiry had been ordered, the result of which he had not ascertained. If that letter had been addressed to him in the first instance, a day or two would have been saved in the inquiry.

MR. T. DUNCOMBE said, he would give the Government an opportunity of answering the question of the hon. and learned Member for Leominster (Mr. J. G. Phillimore), as he was about to present some petitions which prayed for immediate redress; and, by the rules of the House, petitions which required immediate redress were to be taken into consideration at the time. The first petition was from inhabitants of Mount Street and Park Street, Grosvenor Square, who expressed their horror and disgust at the brutal and violent conduct of the police in truncheoning the peaceably disposed persons who were attracted to Hyde Park on Sunday from motives of curiosity, or who assembled there to take their ordinary walk in the park. The petitioners prayed the House to grant an inquiry into the conduct of the police, and to protect the public against a repetition of such frightful violence. He had also to present a petition from Francis Henry Mare, of Southampton Street, Strand, who stated that, being in bad health and afflicted with paralysis, he was in the habit of walking in Hyde Park on Sunday, and that, being there on Sunday last, and standing by the rails opposite to Albert Gate, he received several violent blows from the staves of the police. He never struck a single policeman, but only held up his stick to ward off their blows. He was nevertheless carried off to Vine Street station, where he was confined all night in a filthy and ill-ventilated hole. Two respectable householders offered to become bail for him on Sunday afternoon, but the police refused to accept bail. The petitioner, therefore, prayed that a searching investigation should be made into the conduct of the police in Hyde Park on Sunday, and that the orders given by the Home Office to the police should be laid before the House. He had another petition to present from another respectable person, who stated that his head and face were most dreadfully cut and bruised by the police on Sunday. The petitioner stated that he went to Hyde Park on Sunday, that some of the crowd hallooed to persons in carriages, "Let your horses rest!" The petitioner, who took no part in these cries, was, with others, brutally driven back from the iron railings by the police, who, having cleared a space of 100 yards in length and ten yards from the railings, nevertheless continued to strike the petitioner and others with their truncheons, with the intention of driving the people still further back, where it was impossible for them to go by reason of the crowd behind them. In this way men, women, and children, were alike struck by the police, who also beat the petitioner in the most brutal and shameful manner. The petitioner also stated that he saw one woman upon the ground with four or five policemen around her, she having been struck down by their truncheons. The petitioner stated that he did not go to Hyde Park to create a disturbance, but that if such conduct were to be repeated, and if the people should go armed, the most dreadful loss of life would follow. The petitioner, therefore, prayed for inquiry.

MR. WALPOLE said, he rose to order. He considered it very inconvenient to get into a discussion upon petitions of this nature just presented without notice to the House. The exception which was provided for by the rules of the House for discussing petitions referred to cases only of petitions which required immediate and urgent remedy; they were the only cases which could be discussed on presentation. He really did not see how the matter of which the petitioners complained showed an urgent necessity for providing an immediate remedy. He thought it would be better to give notice, and bring the matter before the House to-morrow.

MR. T. DUNCOMBE said, he did not believe it would be better to take the course recommended by the right hon. Gentleman, or that there could be anything more requiring redress than the personal grievances of which these parties complained.

MR. SPEAKER: The hon. Member

puts a very different interpretation upon the Standing Orders from that which I should put. I have no doubt that these persons complain of grievances, but the question is whether they are grievances of pressing necessity, demanding an urgent and immediate remedy. The courts of justice are open to these parties, and I think that these petitions do not come within the Standing Orders. I will also suggest that the hon. Member should give notice of his Motion.

Mr. ROEBUCK: I beg to suggest to my hon. Friend (Mr. T. Duncombe) that to-morrow there is a Committee of Supply, and that it will be quite competent to him then to bring forward a Motion on the subject.

Mr. T. DUNCOMBE: The right hon. Gentleman in the Chair says the courts of justice are open to these parties; but I say they are not open to them, and so they come here. [*Cries of* "Order!"] I am in order. I will take the sense of the House upon it; but there is no redress in courts of justice for these parties.

Viscount PALMERSTON: I understood that the statement of the hon. Gentleman appeared to show [Mr. T. Duncombe: You have not heard my case yet] that which puts the petitions out of order, because, if I understand him, he proposes to refer the matter to a Select Committee of this House. But is that the immediate remedy which the hon. Member proposes to himself by the presentation of these petitions? Suppose a Committee appointed to-morrow, and suppose it reported this day week, that would not be an immediate remedy—

Mr. T. DUNCOMBE: I rise to order. I have not yet moved for any Committee.

Mr. SPEAKER: The hon. Member is not at liberty to make a statement upon presenting a petition, unless there is something in the petition to show there is an urgent need for some immediate remedy. There is nothing in the petition to show this, and the hon. Member is, therefore, debarred from speaking upon the petition.

Mr. T. DUNCOMBE: Then I had better move that the House do now adjourn; and I shall move it if the House will not hear me, for that will be a very good reason for adjourning. I did intend to move for a Select Committee to inquire into the illegal and ferocious conduct of the metropolitan police, and to report their opinion to the House. I am going to support these petitions satisfactorily by evidence, and I am quite sure, if this House do not attend to these petitions, before many days are over they will regret the decision to which they come. A most respectable family, the head of that family, and all that belong to him, are prepared to come forward, and to state that at about eight o'clock on Sunday evening they saw about forty policemen march down Park Street, as far as Reeve's Mews, four or five abreast; they then halted for a moment with their right hands behind them, under their coat-skirt, and, at a given word of command, they withdrew their right hands, having therein their truncheons, and, without any provocation or cause, began belabouring all within their reach; the man got separated from his wife, and sought refuge at the Grosvenor Hotel, within a few doors of his own residence. The persons assembled were, from their appearance and conduct, evidently highly respectable.

Viscount PALMERSTON: Sir, I rise to order. I will put it to you, whether it is not in accordance with the rules of the House that, when a Member makes a Motion, he should speak to that Motion? The Motion made is, that the House do now adjourn, and the hon. Gentleman is arguing, not for the adjournment of the House, but for the appointment of a Committee, which would be impossible if the House were to adjourn.

Mr. ROEBUCK: I rather think the noble Lord is mistaken. Anything may suggest the Motion that the House adjourn, and the hon. Member may therefore speak of anything which comes uppermost in his mind.

Mr. W. WILLIAMS: I am not surprised at the course pursued by the Government. ["Order!"] I am speaking to the Motion. I say the noble Lord the Prime Minister is entirely out of order in his interruption of the course pursued by the hon. Member for Finsbury. I maintain, Sir, not in opposition to authority, that the grounds he has laid before the House perfectly justify the course which he is pursuing in calling immediate attention to this subject. I, too, have received numerous communications from persons who complain of the most atrocious conduct of the police.

Mr. SPEAKER: The question before the House is, that the House do now adjourn. If, when the rules of the House preclude an hon. Member from speaking on the presentation of a petition, he is to be allowed to move that the House adjourn for the purpose of making a speech which the rules of the House prevent, it will be a question for hon. Members to consider how far they will thus break down all authority and cause the rules of the House to be disregarded.

MR. W. WILLIAMS: I will not for a moment, Sir, say a single word against your authority, entertaining as the House does, and deservedly so, the highest respect for your opinion; but I believe, only a few nights ago, the noble Lord the Member for Middlesex (Lord R. Grosvenor) brought a question before the House, and he was prevented addressing the House precisely in the same manner as the hon. Member for Finsbury. The noble Lord said he would move the adjournment of the House, and was allowed to proceed.

MR. T. DUNCOMBE again rose, and was met with cries of "Spoke." I should have done before now—I should have finished this statement—if I had not been interrupted. I have only to say, I am here to discharge a public duty. As to breaking down the authorities of the House, I do not wish anything of the sort. I still believe I am within the rules of the House. I am requested, for the sake of my fellow-subjects, for the sake of property, and for the sake of the peace and tranquillity of this town on Sunday next, to make this statement to the House, and it will then be for the Home Office—which denies all these statements—which says that the police behaved most exemplarily, to see that security is given to the peaceful inhabitants of London. If the House is satisfied that all the statements in the petitions are true, I need not read evidence in corroboration of them, but, as they are doubted by the right hon. Gentleman the Home Secretary, I must repeat that, should this Committee be appointed, I can bring evidence in support of all these allegations, not by a set of pickpockets, as they are represented, but by many peaceful subjects of Her Majesty, resident in the most respectable part of the west end of the town. There is another case, of a man standing talking to some neighbours, when without the slightest intimation from the police, he received a blow from the clinched fist of a policeman behind the ear, and on his turning round, another policeman gave him a similar blow on the other side, under the ear, and, on his retreating towards his home in Mount Street, he saw a policeman strike a person down with his truncheon, and, while the poor fellow was lying insensible on the ground, another policeman who came up attempted to kick him on the head, but missed his mark, and only kicked off his hat. He heard the policeman say, with an ironical air, "Now go to the hospital and get your wounds dressed, and if you don't go directly I'll give you three times as much as you've already got." Many of the inhabitants of Mount Street saw a poor fellow, apparently very respectable, being carried to the station-house by the police, bleeding from what appeared to be a wound behind the ear, his wife following and crying, and on her making some observation to one of the policemen he gave her a dreadful blow on the breast, causing the poor woman to groan. Surely such proceeding as this is worthy the attention of the House and the Home Office, and I say the House shall not proceed to public business until it is considered. Another gentleman, resident in Mount Street, says he was in the centre of Hyde Park. He saw one poor fellow leaning against the iron hurdles, with his head cut open, and on turning to look at him he saw the police striking with their bludgeons all persons, whether in retreat or passing by. One person he observed, who wore a white hat, running away from the police, and the policeman in pursuit of him struck him across the ancle, with a view, he supposes, of felling him; one poor youth, without any provocation, was most brutally struck with great violence across the loins, and he observed that most of the blows were aimed at those parts of the body most likely to produce permanent injury. Here is the case of a poor man, a wounded soldier, who has just returned from the Crimea. I have his address, and he is ready to come forward. He was wounded in the Crimea, in the breast and leg, and he received very severe blows on Sunday last in Hyde Park, where he was present only as a spectator, which caused the leg wound to break open again, although he repeatedly called out that he was a cripple and could not get away in obedience to the orders of the police. I have another letter in confirmation of all this, which shows the necessity of coming to this House for redress, and calling on the authorities of the Home Office to do something to prevent the peace of this town from being further violated. This is from a gentleman whose veracity I suppose will be little doubted. It is signed by Henry Harcourt Aubrey, Colonel, late of the Royal Horse Guards Blue, dated from

76, Stanley Street, Eccleston Square, and addressed to a Committee of working men, who are trying to get up evidence against the police if they can—to punish them if they can—but there's the difficulty, and they cannot do it without investigating the whole matter. This gentleman volunteers his evidence, and he says—

> "I beg to inform you that I was present both Sundays, and never in the whole course of my life witnessed greater brutality displayed by a body of ruffians and cowards than by the police in Hyde Park on Sunday, the 1st of July last, and I shall have great pleasure (if you will afford me the opportunity) to detail some of the scenes I witnessed; and still greater pleasure if, by such information, these savages (for I cannot call them men) may be brought to justice."

I am also in possession of information, which it is my duty to lay before this House, and before the head of the Home Office, that there is the greatest exasperation on the part of the working classes. The noble Lord's Bill is gone, but that, in my opinion, is insignificant, unless something is done to meet the case. I pledge my word to the House, I fully believe something must be done. If you grant this Committee—if you institute inquiry which shall really bring to punishment those parties who have thus offended, and treated peaceable inhabitants in the manner described—I shall be satisfied, and the people will be satisfied also. But they will not be satisfied to have it hushed up, and to be told that the Bill is withdrawn, and therefore they must go home. True it is that the Bill is withdrawn, but who is compromised by that? This House! ["Hear, hear!"] This House is compromised by the manner in which the Bill is withdrawn. They will say you have conceded to tumult that which you before refused. Yet that is insignificant compared to the manner in which the people have been treated. A former House of Commons did not refuse to entertain the question when there was a brutal massacre at Manchester, in 1819. True, no Committee was appointed. The Government was always too strong. The Government may be too strong for me on this occasion. The House may be too strong for me. The noble Lord at the head of the Government may argue that this is not the proper tribunal, but how are we to get at the truth? You must do something if you want to prevent mischief next Sunday. I am told that these parties are determined to go to Hyde Park on that day, and if they are molested they will go there armed, and if they had been armed last Sunday, can any man say there would not have been great loss of life? What can you do? You must find some means of satisfying them, or else you must close the park. I think the best thing to do is to close the park on Sunday next. I have put this House in possession of the case. I have stated a few of the allegations which the petition contains. I am ready to prove those allegations by the evidence of most respectable persons of all ranks and of all parties. Some inquiry must be made, and the people will not be satisfied with a Government inquiry or by the Police Commissioners' own report. I should like to see the report of the Police Commissioners upon the first day's disturbance, which the right hon. Gentleman said he had received. I want to know what the Government are prepared to do? At all events, I have done my duty. The House is in possession of the case, and I believe—indeed, I am confident—I can bring evidence to substantiate everything which I have stated, and I would remind the House that the peace, the safety of life and property in this town depend much on the manner in which it receives these petitions. I shall move for a Committee of inquiry, but the Motion I have to make is that the House do now adjourn.

The Motion for the adjournment of the House having been put,

SIR GEORGE GREY: Sir, as the adjournment of the House is the only question before us, I need not enter now into a discussion of the conduct of the police on Sunday last, nor upon the sweeping allegations made by the hon. Gentleman as to that conduct. I wish, however, to correct one misrepresentation which my hon. Friend made when he said I denied all those statements. I could not deny them, for the statements which he has now made I have heard for the first time. The hon. Gentleman said he thought it his duty to acquaint me with those statements, and I only wish he had laid those statements before me. I would then have instituted an inquiry, which at present, of course, I have not been able to do. The allegations which have been made are of a sweeping and general character. The House is aware that every policeman has the letter of his division embroidered on his dress, and has also a distinctive number by which he may be identified, the object of those marks being, in the event of misconduct on the part of any individual policeman, that he may be easily recognised, and I think it impossible, if all these statements are correct, and made by parties who were present, who apparently had ample means of observation, that they could not have identified some of the men to whom misconduct is imputed. I know many statements have been made; but I, on behalf of the police, protest against the sweeping and general charges made this evening without one tittle of evidence to support them. If the hon. Gentleman thinks it right to move for a Committee of inquiry I shall be willing to listen to the grounds upon which he asks for it, and I cannot now say what opinion I shall form, because I do not know the grounds upon which such a Motion can be supported. I will also say, with regard to the threat which the hon. Gentleman has held out, that the people will go armed into the park on Sunday next—I believe he does the greatest possible wrong to the character and temper of the great body of the inhabitants of this metropolis in believing they would act in such a manner as he assumes they will. It is the privilege of the inhabitants of London to visit the parks—the hon. Gentleman says it is their right—and no doubt it is their right, but qualified in this way—they have no right to go there to molest other people who have an equal right with themselves. If they do go with that intention it will be the duty of the Government, and of the police acting under their authority, to protect the peaceable and well-disposed from any annoyance from those who may go with the intention of creating tumult, and to prevent such persons as I have just mentioned from molesting others in the quiet enjoyment of the parks, which it is the undoubted right and privilege of all to enjoy.

Mr. ROEBUCK: Sir, the right hon. Gentleman the Home Secretary says he cannot inquire into vague charges. Now, the charge I brought forward was specific in time, name, place, and circumstance. I do not know what more he would have to form a specific charge. I charged an inspector, who has no number on his coat, and therefore does not come within the category described by the right hon. Gentleman. I described the disturbance, the place, the time—Monday last, the hour 10 o'clock, and the name of the man who was struck. I asked the right hon. Gentleman to give this poor man—poor not in pocket, but I call him so because he has been shamefully used—to give him assistance, in order to bring under the hands of justice the man who, under the guise of authority, has done an unauthorised act. I asked the right hon. Gentleman whether he would give this man any assistance to find the inspector of police. I do not think that is a vague or sweeping charge against the police. I might bring accusations against right hon. Gentlemen and noble Lords who bring Bills into this House which are only the offspring of their own bigotry, and will not in any way contribute to the good government of the country or the happiness of the people.

Sir GEORGE GREY: The observation I made use of had no reference to the statement of the hon. and learned Gentleman, who, I admit, was specific enough, but to the statements of the hon. Member for Finsbury. [Mr. Duncombe: I gave the names.] As to the petition presented by the hon. and learned Gentleman, if he had sent me that statement the matter would by this time have been in course of inquiry. I am not now in possession of all the facts of that case. I heard the statement made by the hon. and learned Gentleman on presenting that petition, and I must request him to send me a statement in writing or a copy of the petition, otherwise it will be impossible for me to act.

Viscount EBRINGTON: Sir, as the hon. and learned Gentleman (Mr. Roebuck) has alluded so pointedly to the noble Lord the Member for Middlesex (Lord R. Grosvenor) and to myself, I beg to say it was not through bigotry that I supported the Bill in question. I beg to say I was one of, unhappily, a small minority who voted in favour of opening the British Museum and the National Gallery on Sundays to those who believed conscientiously they could go there. I voted for the Sunday Trading Bill, not through bigotry, but at the request of a great number of tradesmen in humble circumstances, in order to secure for as many persons as possible in the metropolis, without entailing undue inconvenience upon any one, the Sunday as a day of rest, to be kept holy by those who recognised that course as a duty—to be kept as a holiday and day of recreation by those who felt inclined to do so. I beg to say, further, that since the Bill has been withdrawn I have received representations from working men and humble tradesmen thanking us for our endeavours, and complaining of the utter misrepresentations to which the measure has been exposed, and earnestly hoping that some time or other they may be relieved from their present amount of slavery, which inflicts great hardship and suffering on them. I thought I had made it pretty clear in the early stages of the Bill upon what grounds I supported the measure. I said, I supported it on economical and sanitary grounds—on religious and irreligious grounds. I did not see why men should be compelled to give seven days' labour for six days' pay. I disclaimed being identified with that party who believe that men can be made either religious or sober by Act of Parliament. I hope in future that the hon. and learned Gentleman will address his remarks to those—I do not know whether he was one of them—who voted for keeping our national museums closed on Sundays, and not to me who voted for opening them.

SIR HENRY WILLOUGHBY: I would suggest to the hon. Gentleman (Mr. T. Duncombe) that, having presented a petition of gravity, why not move that it be printed? and he can then found upon it such Motion as he pleases.

MR. T. DUNCOMBE: Sir, my answer is, this matter requires immediate inquiry, and I think, when the rule of the House was framed, an opening was left expressly for cases of this kind. I maintain our time has not been wasted by the observations I have made, or by the petitions I have presented. The right hon. Baronet the Secretary of State says my accusations are general and sweeping in their character. They are no more vague than the statement made by the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck). I have given you a petition with the names and addresses of persons residing in Mount Street and the neighbourhood of Grosvenor Square, and, if an opportunity is given, I have no doubt of being able to prove the statements they have made.

MR. VINCENT SCULLY said, he would beg to remind the House that they had been engaged upon what might fairly be called an English "row." He did not say that they were not entitled to indulge in a "row," and it was not the character of his countrymen to wish to stop it, but he must call their attention to the fact that Englishmen were quite as ready to get up a "row" as his countrymen were. He would only add that he was in the park, and could give some evidence, but would abstain from doing so at present.

Motion *negatived.*

Viscount Ebrington

TENANTS' IMPROVEMENTS COMPENSATION (IRELAND) BILL.

Order for Committee read; House in Committee.

Clause 11 *postponed.*

On the question that Clause 12 be also postponed,

MR. SEYMOUR FITZGERALD complained that through the noise going on it was really quite impossible to say what was taking place.

MR. FITZROY stated that the question before the Committee was the postponement of Clause 12.

Clause *postponed;* as was also Clause 13.

Clause 14. (Tenants to be entitled to compensation for improvements made before the passing of this Act if evicted).

MR. HORSMAN said, he would move that after "time" be inserted the words "within twenty years." The object of the Amendment was to limit the period during which a tenant could demand compensation.

MR. VINCENT SCULLY and Colonel GREVILLE opposed the Amendment.

Amendment proposed, in page 11, line 4, after "time," to insert the words "within twenty years."

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 141; Noes 37: Majority 104.

COLONEL GREVILLE said, he must complain of the introduction of such a limitation as that which had been just carried upon a division. If a farmhouse happened to have been erected twenty-one years ago, and had been maintained in proper repair by the tenant at a yearly outlay, that man was now not to be allowed a shilling for his improvement, simply because he had had the misfortune to make it twelve months too soon. The real way to get at the compensation to which the tenant was entitled was, in his opinion, to look at the value of the holding at the time the tenant was dispossessed. He considered that the clause now before the Committee was the very essence of the Bill, and he would rather that the Bill should not pass than that the clause should be mutilated. He considered it was most desirable that, if possible, for the future all matters between tenants and landlords should be regulated by contracts; but, with respect to the past, it was a very different thing. The tenants had for a number of years been accustomed to make their own improvements, and this was the ground on which they now sought to obtain compensation for them. With respect to this question, his hon. and learned Friend (Mr. Serjeant Shee) had only proposed that which had been approved by Mr. Burke and by the Devon Commission; and any restriction as to time would prevent tenants from receiving the compensation justly due to them, and this Bill, instead of being a Tenants' Improvements Compensation Bill, would be a Tenants' Improvement Confiscation Bill. The alterations proposed by the Government would render the Bill worse than useless, and convert it into a shape that would give satisfaction to no party; and it was certainly to have been expected that they would assign their reasons for limiting that compensation to improving tenants, which preceding Administrations had not sought to restrict.

MR. HORSMAN said, that the Government had been perfectly prepared to give explanations as to every Amendment they had to propose, but as the Committee had chosen to go to a division before they had had an opportunity of offering their explanations, the Government surely could not be held responsible on that account. He had been asked to assign his reasons for proposing to limit the claim to compensation. Now, it would be recollected that, on the second reading of the Bill, he distinctly stated the grounds and conditions upon which the Government would take up the measure; and that he then sketched to the House the Amendments which he proposed to insert. The only omission with which the hon. and learned Gentleman (Mr. Serjeant Shee) could tax him was, with not having then stated the period of twenty years as the limit that he would propose. Now, although he certainly had not, on the second reading, defined this specific period, he, nevertheless, then explained generally that he considered there must be such a limit as to time, in regard to the improvements for which the tenant should be entitled to compensation, as would enable them to obtain clear and distinct evidence as to their nature and value. Now, it must fairly be confessed, that the precise limit of twenty years was necessarily in a great degree arbitrary, and that no reason could be given for fixing upon that period more than upon twenty-five or thirty years; but then, if twenty-five years had been chosen, it might as justly have been asked why should no compensation be allowed for improvements made twenty-six years ago, as it was now asked why it should not be granted for those effected twenty-one years since? But, further, it was said, "Why should there be a limit placed at all?" Well, such a limitation, he maintained, was justifiable both upon principle and policy, because, without it, there would be no satisfactory means of judging between the past and present condition of the holding, so that uncertainty and, consequently, endless litigation would ensue as to the value of particular improvements. It would, therefore, be prudent to shut the door to disputes, by fixing a limit as to time, and, in the specific period which they had selected, the Government had been guided by what they considered would be fair and just both to the tenant and his landlord, and what they thought would rally round them the greatest amount of public support, whether in that House or out of it. They had endeavoured to reconcile the conflicting views of those who opposed any limit to retrospective compensation, and those who were hostile to any such compensation whatever, and he hoped the Committee would adopt the proposition they had felt it their duty to make.

MR. SERJEANT SHEE said, he thought that the Government had not dealt fairly with him in the course they had taken. He had introduced the Bill, which was the very identical measure (with the exception of a few words) that the late Government had passed through that House. Its principles received the assent of the right hon. Gentleman (Mr. Horsman), of the Solicitor General for England, and of the noble Lord the Prime Minister; and he (Mr. Serjeant Shee) was invited on the second reading to allow the Government to take charge of the measure. [MR. HORSMAN was here understood to dissent.] He (Mr. Serjeant Shee) was only now speaking of what took place publicly in that House. To induce him to give up the Bill to the Government, the Secretary for Ireland sketched the Amendments which he deemed necessary, the most important one of which referred to retrospective compensation. It was absurd to think that he would have consented to allow the Government to take charge of the Bill if he had had the least idea that they intended thus to limit the compensation to houses built within the last twenty years; and he had great cause to complain of the noble Lord at the head of the Government, and the right hon. Gentleman the Secretary for Ireland, for not having told him openly at first what was the nature of their proposed Amendment. He thought the right hon. and learned Member for the University of Dublin (Mr. Napier) had done more to obtain justice for the people of Ireland than any man who had preceded or followed him. He certainly did pity the Irish law officers for their share in the matter. Remembering all he had heard them say on this subject, and all he had known them to do, he deeply regretted, for the honour of the profession to which they belonged, that for the sake of place they should have been parties to mutilating the Bill in the manner it had been done. If ever the people of Ireland should raise a pillar on which to record the names of those by whom they had been betrayed, the names of the two hon. and learned Gentlemen would stand high on the list. Remembering how often they had pledged themselves to throw to the winds every prospect of place rather than not secure for the tenantry of Ireland that full measure of justice to which they were entitled, he could not but express his wonder and amazement that they should have consented to such a proposition as this. The least the Government could do now was to restore to him the Bill which, by a contrivance, they had induced him to give up to them. The alteration which they now proposed would completely destroy all the good which the Bill was originally calculated to work. Out of the number of holdings into which the land of Ireland was divided, those under fifty acres were 485,349, those under thirty acres were 432,778, and those under fifteen acres were 293,000. Those fifteen-acre holdings were almost all of them, of the vast majority of them, in the best circumstanced counties in Ireland, and the latter clauses of the Bill, unless they protected the tenants by suitable compensation clauses, would offer a direct encouragement to speculators in land to get rid of small tenants. He would call attention to the right mode of treating those tenants, and then the Committee would see how much it differed from the mode adopted in the Bill as it now stood. He held in his hand an address to the tenants of the Southborough estate from the Directors of the Presbyterian Widows' Fund, and it would be found that the directors were disposed to treat the tenants justly and fairly, thus showing their desire to adopt his recommendation, and affording a strong argument to show that the right hon. Gentleman the Secretary for Ireland would be doing an injustice by the Amendment he proposed. They stated in that address that farms could easily be pointed out for which a respectable occupying tenant would probably pay double or treble the rent rather than give them up, and they hoped the instances that had been given of respect for industry and good conduct would inspire confidence, stimulate exertion, and make every tenant feel that he was labouring for himself and his family. They also stated that the valuation of the land should be made upon the honourable principle of "live, and let live," and they actually declared that they would in no case raise the rent on account of the tenant's improvements. He had before him the cases of some twenty or thirty tenants on one estate in the north of Ireland, showing a state of things precisely the same as was stated by the directors of that property. That was the state of things existing in almost all the counties of Ulster, except Donegal, and they were putting it into the power of an embarrassed, vindictive, or foolish man, to get rid of his tenants, and throw his land into large farms. He had been most anxious that the Bill should pass, and he had not the least wish to raise obstructions in the way of the present Ministers, whom he desired to see remaining in office as long as the war lasted; but the noble Lord at the head of the Government would do infinitely better to abandon the Bill altogether than to pass it mutilated by these Amendments. He trusted that the right hon. and learned Member for the University of Dublin would restate the reasons which induced him in a former Session to object to any limitation of the retrospective clause rather than have a limitation which would give rise to all sorts of uncertainty, and much dissatisfaction.

Mr. NAPIER said, he had not the slightest objection to comply with the request of the hon. and learned Gentleman. His reasons for the opinion to which the hon. and learned Gentleman referred were the same as those which influenced the Select Committee in recommending—and it would be found in the latter part of the Bill—that where compensation was made with regard to improvements on the soil, there should be no limitation of time. He thought before, and he still thought, that the two parts of the Bill should be consistent in that respect. The clause applied only to improvements on the soil; and the principle was unquestionably a just one, that when a tenant was in possession of his farm, paying his rent, and performing all the conditions and covenants by which he was bound, if he were dispossessed by the mere power of the landlord, he was entitled to the value of any improvements he had made up to the time of his dispossession—not taking an arbitrary period of time as the standard of value, but the actual value at the time of dispossession, having regard to the period of possession, and other circumstances. That was the view by which he had been guided upon the question of compensation. The select Committee had come to the same conclusion, holding that the best period of fixing the value was at the time of dispossession, and he had never heard any satisfactory answer to the reasons which led them to come to that decision. He adhered still to the opinion that the value of the improvements made on the farm, as well as the actual value of the premises, which might be constructed—provided for in the 42nd Clause—things visible and tangible—ought to be fixed on that principle. His great object had always been to do what was just, and at the same time what was practicable on that matter. He had deferred very much to the views of others in endeavouring to arrive at a sound conclusion, but he would never, for the mere sake of popularity, give an opinion that he did not consider favourable to a right settlement of the question. He did not quarrel with the proposal of the Government, who had taken twenty years as the period of possession, but his opinion was in favour of the principle of actual value at the time of dispossession, as it was a consistent and intelligible one. He did not, however, think there was any great difference bebetween them.

MR. T. KENNEDY said, the great difficulty in the clause was the endeavour to legislate upon the same system for the past as for the future. There had been very great improvements made by tenants under his own eyes, without any expenditure on the part of the landlords; but if the principle of the clause were to be applied to the past, it would do the greatest injustice to those who had made those improvements. No doubt, an honest landlord would give his tenants compensation for such improvements at present; but in a few years that desire would be forgotten, and the number giving such compensation would be very small indeed. The mistake was, that there were not two distinct schedules in the Bill—one referring to the future, the other to the past. Legislation on the subject of improvements was inevitably retrospective. A large expenditure of labour, which was the capital of the tenant, had been given to those improvements—in some cases the acreage had been doubled by the labour of the tenant. The law, therefore, would be either retrospective justice, or retrospective robbery as regarded those persons. He, therefore, pressed upon the Committee the impropriety of dealing with the past upon the same principle as they proposed to deal with the future. If they adopted that principle they would inflict a lasting injustice upon the tenantry of Ireland.

MR. MAGUIRE said, he had listened with anxiety to what had fallen from the Secretary for Ireland, in order to ascertain his reason for insisting upon a limitation of twenty years; but the right hon. Gentleman had treated the question sometimes as one of principle, sometimes as one of policy, and he believed that the real ground of the right hon. Gentleman's conduct was official cowardice. The Government were at that moment endeavouring to please Irish Members upon both sides of the House, and the result was, that they were emasculating this measure to such an extent, that even the author of it was obliged to state that it would not satisfy the people of Ireland. The right hon. Gentleman stated that he fixed the particular period of twenty years because he wanted evidence; but was it not easy to obtain evidence to prove who had erected the solid buildings which stood upon a farm? He would appeal to the two Irish law officers who had sat in solemn conclave at Dublin with other Irish Members to consider the question, rather than to the right hon. Gentleman, who knew nothing whatever of Ireland, and whose every step since he had taken office had been a blunder, from one absurdity to another. The Attorney General and the Solicitor General for Ireland had solemnly declared that they would never take office until they were able to obtain a fair and ample measure for the settlement of the question, and he put it to them to say whether the Bill, after the alterations it had undergone, could be regarded as satisfactory? He was of opinion that it would excite an universal feeling of indignation throughout Ireland, and the Government would again have to turn their attention to such matters as the suppression of monster meetings. Could it have been supposed that the most important Amendment in the Bill would have been proposed without a word of explanation, and that an attempt would have been made to smuggle it through the House? He denounced this mode of proceeding as most unfair to the House and the public. There was no distinction between the circumstances of the south or west of Ireland and those of the north. It was downright robbery and confiscation to say that tenants who had made improvements within a term beyond that fixed by the Bill, were to be deprived of all claim to compensation. A vast quantity of property was now passing from old to new landlords in Ireland, and the interest of the tenant ought to be regarded before that of the proprietor. The amount of money sent last year from the poor Irish exiles in America was 1,730,000*l.*, and not less than 150,000 persons left Ireland for the United States and other parts of the world. The Government, instead of going about the Continent to raise a Foreign Legion, would do well to rely more on the Irish people, and not drive them from their country and the ranks of their Queen. Their great object ought to be to induce the tenant to invest every available shilling, whether in the form of money or labour, in the soil; encouraging him to do so by just prospects of compensation. As it was, the only class which would profit by the Bill would be jobbing land agents and plundering attorneys. He charged the Government with having brought upon us a direful series of miseries and disasters by their incompetency in administration, and especially by their misconduct of the war. The Government might say they could not hope to pass the Bill through the other House, but he believed the Bill as brought in by the hon. and learned Serjeant would insure the tranquillity and prosperity of Ireland, and that the Irish landlords themselves would, in a few years, be convinced that the hon. and learned Serjeant was the best friend they ever had.

MR. I. BUTT said, he wished to recall the attention of the Committee to the real question before it. The words "twenty years" were adopted in the 14th Clause almost without discussion; and the real question before the Committee was to leave out the words "any of the classes," and insert "within seven years before the passing of this Act shall have executed improvements," &c. He (Mr. Butt) could understand the adoption of the principle of twenty years, as it was one running through many Acts of Parliament and was adopted as the limits of evidence. But they had applied that principle in a wrong direction; for the tenant was more likely to lose evidence than the landlord, and the hardship would, therefore, be proportionably greater. The clause had nothing to do with compensating periods, and the only question raised was, what length of possession should destroy evidence. He admitted that twenty years was not an unfair term; but he thought the onus of proof should not be thrown upon the tenant.

MR. VINCENT SCULLY said, it was open to the Committee to decide how the principle of twenty years should be applied; whether to roads and fences, or whether to farm buildings? They had decided upon the term of twenty years, but not as to the class of improvements to which that term should apply. With respect to the retrospective principle, the onus of proof was to rest with the tenant; if he could bring no proof, of course he could make out no case of compensation. In the Bill, a large number of proofs were required to be made out, some of which were of an almost impossible character. He thought, if the retrospective principle was to be admitted at all, there should be no limits placed on it.

Amendment proposed, in line 12, after the word "otherwise," to insert the words "except for non-payment of rent."

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 136; Noes 49: Majority 87.

MR. SERJEANT SHEE said, he wished to move the omission, after line 25, of certain words which provided that, in giving the tenant compensation for improvements, due regard should be had to the length of time during which he might have enjoyed such improvements.

MR. HORSMAN said, he thought that it was immaterial to retain the words objected to, and he would therefore assent to the Amendment.

COLONEL DUNNE said, he differed from the right hon. Gentleman, for he believed that it was very material that the clause should remain as it stood at present.

MR. CAIRNS said, he agreed with the

hon. and gallant Member for Portarlington that the question was one that ought not to be treated lightly. It was most important, in giving a tenant compensation for improvements made before the passing of the Bill that due regard should be had to the length of time during which such improvements had been enjoyed.

Question put "That the word proposed to be left out stand part of the clause."

The Committee *divided :*—Ayes 76; Noes 116; Majority 40.

On the announcement of the numbers,

MR. MALINS said, he wished to call the attention of the Chairman to the fact that three hon. Members who had voted in the majority were not in the House when the question was put. (*Cries of* "Name!") The right hon. Gentleman, the principal Secretary of State for the Home Department, was one of the Gentlemen in question.

SIR GEORGE GREY said, he hardly knew what was to be understood as being within the House. He was in the lobby immediately adjoining the House when the doors were opened, and if that was not within the House he was quite willing that his vote should be struck off.

MR. DISRAELI said, the question was whether the right hon. Gentleman heard the question put?

SIR GEORGE GREY said, he had heard the Chairman putting the question, but, as he happened to be in conversation with the Solicitor General at the time, if he were called upon to state what the question was he could not say.

MR. MALINS said, he should move that the vote of the right hon. Gentleman be struck off.

MR. DISRAELI said, that if an hon. Member was within the House it should be assumed that he heard the question put, but if he was not within the House then he was not entitled to vote.

MR. MALINS said, he thought that within the four walls of the House should be presumed to be "within the House," and not the lobbies.

LORD JOHN MANNERS said, he wished to ask how it would be possible to make the objection if it were irregular to discuss the question after the division was over?

MR. GROGAN said, that the hon. and learned Gentleman (Mr. Malins) called attention to the fact before the Chairman announced the numbers.

MR. MALINS said, the fact was as his hon. Friend had stated.

SIR GEORGE GREY said, he was willing to admit he was not in the House, and that his vote should be struck off, but hoped it would be understood that in future no Member could vote unless he was actually in the House when the question was put.

MR. BOUVERIE said, that a vote could not be challenged after the doors were unlocked.

MR. DISRAELI said, there were means, of course, of ascertaining whether the doors were unlocked or not by examining witnesses at the bar. But one thing was certain, that the objection was taken by his hon. and learned Friend (Mr. Malins) before the doors could possibly be unlocked. The single vote was of no importance on the present occasion, but there were certain rules—the result of the experience of those who had preceded them in that House—to which they ought always to adhere. There might be occasions when a single vote might be of the utmost importance—the Act of Settlement, for instance, was carried only by a majority of one—and therefore it was desirable to adhere strictly to the rule.

VISCOUNT PALMERSTON said, he quite agreed with the right hon. Gentleman that the important points were—first, what were the rules of the House; and, next, had those rules been departed from? He thought it was unadvisable to carry to a conclusion the debate which had arisen, and would suggest that it would be better by common consent to refer the matter with reference to future proceedings to that high authority to whose decisions they were accustomed to yield.

MR. M'CANN said, that it had been decided last year that a Member behind the chair was actually in the House.

VISCOUNT PALMERSTON said, he apprehended there were two points—first, whether his right hon. Friend (Sir G. Grey) was within the House when the question was put; and, next, whether a Member who was within the House when the question was put must necessarily have heard the question which was put?

MR. DISRAELI said, he thought the matter was become one of some gravity. They were now advanced into July, and every one desired that business should be conducted as rapidly as possible, but if the principle was to be laid down that no one should vote unless he heard the question which was put, there would be little prospect of that speedy conclusion of the Session in which they had been indulging. He could not agree with the noble Lord that there were two points under discussion. There was only one question—Was the right hon. Member, whose vote was impugned, within the House or not when the question was put? It could not be allowed to become a matter of controversy whether every Member who voted heard the question put.

VISCOUNT PALMERSTON said, he accepted the solution of the right hon. Gentleman to the second question. The only question which remained was, whether the spot in which his right hon. Friend was when the question was put was within the House or not?

MR. MALINS said, he would refer to the process of "counting the House," in which the Speaker only noticed those Members who were within the doors of the House itself.

SIR GEORGE GREY said, he was willing to allow his vote to be struck off, if it could be done without deciding hastily upon the question which had been raised. He did not dispute that a Member in order to vote, must be within the folding doors of the House; but he thought, before laying down a general rule, it would be better to take Mr. Speaker's opinion. He (Sir G. Grey) had been of opinion that any Member who was within the precincts of the House was entitled to vote.

SIR FRANCIS BARING said, he also thought it would be best to take Mr. Speaker's opinion. He did not concur that Members who had been outside the door when the question was put were not entitled to vote. If the doors had been locked, any Member found in the gallery might be compelled to vote, of which he had known several instances.

MR. MALINS said, he would withdraw his former Motion, and move that the Chairman report progress and ask leave to sit again forthwith, in order that Mr. Speaker might take the Chair and explain the rule to the House.

MR. BOUVERIE said, that the old rule was that nobody could vote who was not within the four walls. In the old House nobody could doubt what was meant by "the four walls," but the present difficulty arose from the double wall caused by the division lobbies. By the strict rule nobody could vote who was not within the four walls limiting the room in which they were.

VISCOUNT PALMERSTON said, he thought it probable that, if the hon. and learned Member would wait a little time, the question would be satisfactorily settled.

[The division bell was then rung, and the Chairman was about to put the question, when—]

VISCOUNT PALMERSTON said, that he understood the opinion of Mr. Speaker was that the Committee should proceed, and that when the Chairman left the Chair he should report the circumstance to him, and he would then state the rule.

MR. WALPOLE said, he could confirm the statement of the noble Lord. He had that moment left Mr. Speaker, who informed the Gentlemen who had waited upon him in consequence of the present discussion, that the vote, if an improper one, might be struck off even on the following day.

MR. MALINS said, that under those circumstances, he would not persist in his Motion.

MR. DISRAELI. We reserve to ourselves, however, the right to strike off the votes of any other hon. Members given under similar circumstances.

MR. MALINS said, that the Attorney General and Solicitor General were in the same predicament.

Amendment *withdrawn.*

MR. HORSMAN said, he would now move an Amendment in line 29 limiting the amount of compensation to a sum not exceeding four years of the net rent paid by the tenant for his holding.

MR. DEASY said he should oppose the Amendment, and would suggest, as the term "rent" was a very uncertain one, that the words to be introduced, if any such were necessary, should be "four years' net value of the land," instead of "four years' net rent."

MR. SERJEANT SHEE said, he also opposed the Amendment, because, taking in connection with the alterations which had been already made in the Bill, its effect would be to deprive the tenants of all compensation whatever.

Question put "That those words be there inserted."

The Committee *divided:*—Ayes 180; Noes 54; Majority 126.

On the Motion that the Clause, as amended, stand part of the Bill, MR. J. G. PHILLIMORE said, he should move its omission. In his opinion the clause was a wanton violation of principles which even the most despotic Governments held to be sacred; and although the present Bill was confined to Ireland, the principle involved in the present clause was well worthy of the attention of English Members. In opposing the clause he was actuated by the desire of preventing the addition to the Statute Book of an absurdity, resembling too many others by which it was disgraced. In his opinion, no law ought to interfere with private judgment, for if such a principle was once admitted, where would it stop? It might even extend to compelling Irish merchants to take the opinion of Parliament as to the employment of their capital. What could be a greater violation of the principles of justice than, after inviting persons to make a purchase, to come down upon them and compel them to pay an additional sum. The proposal was one which, after all, would be of no great advantage to the tenant, and that he would impress upon hon. Gentlemen for whose precarious support the Government had consented to adopt the present Bill. If a great principle must be violated, let it be done for a great object. (Laughter.) He repeated that opinion, for it was founded upon a maxim of Burke, that, if you murder, rob also; and, if a great principle of justice was to be violated, it should only be done for a great public object. All retrospective legislation, except in cases where persons had unwittingly incurred penalties, was, in his opinion, unjust; but if the present clause were agreed to, the tendency of it would be to prevent the wholesome system of voluntary agreement which was daily being brought more into operation between landlords and tenants in Ireland. It would instil the principle of not depending upon voluntary contract, but upon an Act of the Legislature. Whether he looked to the codes of other nations or to our own law, he could find no precedent for a provision so unjustifiable as that contained in the present clause—a provision which, under the name of law, violated all law; which, professing to be for the benefit of the tenant, would excite dissension between him and his landlord; which professed to advance the cause of civilisation, but which destroyed the rights of property upon which civilisation itself depended for its advancement.

MR. POLLARD-URQUHART said, he felt he should not be doing justice to his constituents, who had sent him to that House to defend their property, if he did not support the clause. He believed that the Bill without the clause would be worse than useless. He thought that there were two points to be considered—first, whether it was just that the tenant should have the benefit of improvements made with his own capital, or by his own labour; and, secondly, if just that he should, ought he to be debarred from that benefit—and he used the word "debarred" advisedly—because he was a poor man? With regard to the first point there was no diffierence of opinion, nor could much exist with regard to the second. If a Bill were passed saying that for all improvements made after the year 1855 the tenant should be allowed compensation it would be equivalent to giving to landlords all improvements which had been made by tenants before that year, and would, in point of fact, be a mere act of confiscation. How could they expect the tenants of Ireland to be well affected towards the Government of this country if they did not fulfil one of the primary duties of a Government towards them? He hoped the Committee would decide in this case upon considerations of equity and justice, and that they would not be influenced by any rhetoric whatever to disregard the claim of the tenants to compensation for their own property.

MR. MALINS said, he still retained the opinion that the clause was opposed to all the rights of property, and was fraught with dangers of every kind. It was said that there was a distinction between the case of the landlords and tenants in Ireland, and the case of landlords and tenants in England; but he could understand no such distinction. The laws of the two countries were the same, and the two classes had in each case to appeal to the same tribunals. By the law, as it at present stood, the owners of property were only bound by certain written contracts, and on the faith of that law English capital to a large amount had recently been invested in the purchase of land in Ireland [Cries of "No, no!"] He believed that those gentlemen who cried "No, no!" must be very oblivious of what had of late years taken place in the Irish Encumbered Estates Court. But it made no difference in his argument whether the capital recently invested in the purchase of land in

Ireland was English or Irish. There could be no doubt that property to a vast amount had of late years changed hands in Ireland. It should be assumed that the purchasers of that property had examined the leases on which it was held, in order that they might ascertain on what terms they were to hold it; and if that Bill were passed, a new obligation would be introduced into every lease against the landlord, and without his consent. Such a principle would be fraught with danger to all property, for if it were adopted in Ireland, there could be no reason why it should not be extended to England. It was a sacred principle in the English as well as in all other laws that there must be two parties to a contract, and if you threw upon the landlord an obligation to make to the tenant a compensation which he had never engaged to take upon himself, you violated the rights of property. He should like to know from the noble Lord at the head of the Government, whether he was fully cognizant of and sanctioned such a principle as that there should be forced upon the landlord of England and Ireland —for he would not look upon this solely as an Irish question—an obligation into which he had never entered, and which, if he had thought it would be cast upon him, would have induced him never to grant the lease? If the principle were a good one, he did not object to their making this a prospective Bill, which would then be applicable, unless the parties by contract provided to the contrary; but he did object strongly to its retrospective action. He begged, in conclusion, to impress on the minds of English landlords that, if they were misled by the idea that this was merely a question of Irish legislation, and that one principle could be acted on with regard to Ireland and another with regard to England—if they were misled by this idea, they would only have themselves to blame, if, next year a Bill should be introduced, throwing upon them the same obligations which they now attempted to place upon the landlords of Ireland.

Mr. CHICHESTER FORTESCUE said, that the present clause was similar to that which was contained in the Bill of 1853, with this difference, that the Amendments introduced by the Government in the present clause rendered it milder and more limited in its form. He was, under these circumstances, surprised to find that hon. Members who had voted in favour of the clause in the Bill of 1853 had changed their opinions, and now opposed it. With respect to the retrospective operation of the clause, he felt convinced that, as a mere question of justice, more could be said in favour of its retrospective than of its prospective effects, and that it would only by law do that which was already done by every just landlord in Ireland.

Mr. M'CANN said, the hon. Member had expressed his surprise that hon. Members who supported the clause in 1853 should oppose it now; he would, however, frankly state the reason—it was because in 1853 large meetings were held in Ireland with respect to this question, but that now there were none.

Mr. NAPIER said, he thought that the question most to be considered with regard to a clause of this kind was, whether it would meet the cases of the *bonâ fide* tenant and of the fraudulent tenant? There was a part of the clause to which he had always been opposed, and that was the proviso at the end of it, requiring that every tenant who might by any possibility have a claim against his landlord should register his claim within twelve months after the passing of the Bill. The effect of that would be to make Ireland one scene of hostility and litigation. If they passed the clause, could they expect that it would be passed by the other House; especially as their Lordships had rejected it on a former occasion, and had last week passed the General Consolidation Bill, in which they had adopted the fixture clauses providing for all the cases of buildings within twenty-one years, which were included in the present clause?

Mr. J. D. FITZGERALD said, he was surprised to find the right hon. and learned Gentleman who had just sat down, attempting by a sort of special pleading to wriggle out of the support of a clause which was much milder in its character than the corresponding provision of the measure which he had himself introduced. The right hon. and learned Gentleman's clause was retrospective without limit as to time, whereas the present one contained such a limit, and, in addition, protected the landlord by requiring the tenant to give him notice, within twelve months after the passing of the Bill, of his intention to claim compensation. Yet the right hon. and learned Gentleman made the insertion of that very necessary proviso the excuse for his now opposing the clause altogether. Now, no doubt, retrospective legislation was unsound in principle, but the exceptional circumstances of Ireland, in one important part of which tenant-right prevailed, justified its adoption, on the present occasion, fenced as it was by such safeguards as would effectually prevent its working any injustice. Moreover, without this clause, the Bill would be valueless. He had been exposed to taunt and insult on account of his conduct in regard to this question. It was true that he had supported the right hon. and learned Gentleman's Bill in 1853, and he had never since altered any opinion that he then expressed. His votes on this subject, he admitted, might have been different, but he would tell the Committee why they were so. In 1853 they passed a Bill more liberal than the present one, but it was rejected by the other House; and therefore it was much better that they should content themselves with proposing a measure which, although somewhat limited in its benefits, was likely to become law, than to prolong a struggle in behalf of a more extensive Bill, which they could have no reasonable prospect of carrying for an indefinite period.

MR. CAIRNS said, it was his intention to support the clause, and he wished to state his reasons for doing so. The Committee should remember that that House passed a Bill in 1853, containing a wider clause than the one under discussion; and in the same year the other House, which was said to have a greater respect for the rights of property, carried a general Landlord and Tenant Bill, comprising a retrospective fixture clause, providing that any house built or other improvement made twenty-one years before the passing of the Bill might, at the expiration of the lease, be wholly removed by the tenant, unless the landlord paid him for it according to a valuation. Therefore, when the present clause was denounced as a violation of property and of the principles of justice, it should be borne in mind that the same character would equally attach to provisions which had already obtained the deliberate sanction of both branches of the Legislature. The argument of the injustice which the clause would do to purchasers of estates in the Encumbered Estates Court had weighed much with him; but, on mature consideration, he had come to the conclusion that it was not an argument which ought to prevail in opposition to the clause. The proviso was certainly objectionable, and he was of opinion that it ought to be amended as suggested by the hon. and learned Member for Kilkenny (Mr. Sergeant Shee), so that the notice should not require to be delivered in within the twelve months, unless the landlord demanded it in writing.

MR. SEYMOUR FITZGERALD said, he must deny that the present was a question which concerned land only. If that precedent were once made, every species of property, whether agricultural or commercial, would be affected by it. The principle on which the Bill was justified, if once admitted, must be extended to all kinds of property, and Parliament must interfere to remedy all grievances connected with property of every kind—such, for instance, as the exemption from poor rates possessed by funded property. The Solicitor-General for Ireland had attempted to induce the Committee to consent to the clause by arguing that the privilege given to the tenant was so fenced round, that it could not do any possible harm; but what was the meaning of that? Simply, that the largest sacrifice of principle was made, and the least possible good derived from it. The hon. and learned Gentleman talked, too, of the present measure being a settlement of the question; but it was his opinion, that he was very much mistaken if he thought so. Not a party in Ireland interested in the subject was satisfied with the Bill. From the north to the south, there was a universal cry of opposition to the Bill, which the hon. and learned Gentleman affected to call a settlement of the question. It would actually put the tenants in the north in a worse position than they were at present; for, in future, instead of enjoying the rights or privileges which custom now conferred on them, the landlords would insist on confining them to the strict letter of the Act of Parliament. So that the Bill, while in the south it took away the property of the landlord and gave it to the tenant, in the north it took away the property of the tenant and gave it to the landlord. The noble Lord at the head of the Government admitted, that this was exceptional legislation, arguing, however, that it was necessary. But why was it necessary? Because, all legislation for Ireland for many years past had been exceptional. The evil was that everything connected with Ireland was made exceptional, and therefore he urged the House to insist on the maintenance of those honest principles in accordance with which alone legislation could safely proceed.

Question put, "That the clause, as amended, stand part of the Bill.

The Committee *divided*:—Ayes 102; Noes 138: Majority 36.

On the Motion that the Chairman report progress and ask leave to sit again.

MR. SERJEANT SHEE said, it was his belief that the noble Lord at the head of the Government would not surely go on with the Bill now. A farce was a very good thing now and then, but such an utter farce as proceeding with the Bill after the last division would be discreditable to the Government of the noble Lord. He had considerable doubts whether the noble Lord ever meant to pass the Bill in any shape, because, remembering that the noble Lord, when Home Secretary, assented to a really good Bill, he could not understand how the noble Lord could be sincere then, and likewise sincere now. He therefore entreated the noble Lord not to pass the Bill in its present shape, after the very little good which the noble Lord was willing to leave in it had been taken out. It had been stated by the Solicitor General for Ireland that his motive for mutilating the Bill was, because it would have no chance of passing in another place without such mutilations. That was the hon. and learned Gentleman's reason for voting in direct opposition to the course he took last year. Now, he (Mr. Serjeant Shee) had no such distrust of the House of Lords. He had never known an instance of any reform, political, commercial, or financial, which the House of Lords had not been willing to entertain, and, finally, if it were a real improvement on the existing law, to adopt; and he had not the slightest doubt that, if the Bill had been properly submitted to the House of Lords by Lord Aberdeen's Government, it would have obtained a better position than it had obtained in the House of Commons during the present year. But he firmly believed that no honest attempt was made to pass it. He trusted the noble Lord would do the people of Ireland the justice not to mock them with a Bill which could be of no possible utility to anybody in that country.

VISCOUNT PALMERSTON: I must say, Sir, the course pursued by the hon. and learned Gentleman is somewhat extraordinary and eccentric. The hon. and learned Gentleman brings a Bill into this House. He then earnestly entreats me to take charge of his own offspring, promising every support to carry it through the House; and in every stage of the Bill, from that moment to this, the hon. and learned Gentleman has opposed everything that we suggested with regard to it. All the obstacles that we have experienced in our endeavours to frame the Bill in such a manner as to make it likely that it would pass into a law have been brought forward by the hon. and learned Gentleman, and that at the utmost length; and, when he says the Bill fails for want of explanation, I am sure that is a plea which cannot be applied to his suggestions, for they have not been negatived from any want of explanation on his part. This Bill has been discussed in all its parts, and if I am asked what the hon. and learned Gentleman wishes I am utterly at a loss to say. Does the hon. and learned Gentleman wish the question to be settled or does he not? Will he have the goodness to answer that question? Does he wish the Bill to be sent to the Upper House in a shape in which it is likely to pass into a law, with concessions on the part of those who hold extreme opinions whether for or against the measure, so that it may be made satisfactory to the majority of the people of Ireland? Or does the hon. and learned Gentleman wish to retain a grievance which may be the subject of a hustings' speech? Does he wish to represent to the much-injured tenants of Ireland how we have prevented them obtaining any redress; and, while he has been the instrument of that wrong, that he may also have the merit of standing forth on the hustings as their champion? What we intend to do in the meantime with the Bill is to fix it for Thursday next, and then the House will be prepared to say what ought to be done regarding it.

MR. SERJEANT SHEE: The noble Lord, Sir, has put a question to me which I shall answer. The noble Lord wants to know whether I wish to keep this question unsettled, so that I may be enabled to stand on the hustings as the champion of the Irish tenantry. I am astonished that the noble Lord, considering his own conduct on this measure, should have the presumption to make a charge of that kind against me. I brought in a Bill last year, at the instigation of the majority of the representatives of Ireland, which was referred to a Select Committee, and considered by them with great care. They brought in a Report, and afterwards the Secretary of State for the Home Department, and a Member of the Government who acted under him, brought down a Bill to this House. The noble Lord, in his heart, disapproved the Bill. He did not go upon the hustings, for he kept his place, and his office, and his salary. The noble Lord had declared distinctly in the Committee that he disapproved the Bill, and when the Committee went against him he left it, and never appeared again, leaving his subordinate (Sir John Young, the then Secretary for Ireland) to do what he would not do himself. Yet he kept his place, as, indeed, he has hardly been out of place for forty years. Indeed, there is hardly any humiliation of any kind that he has not subjected himself to in order to keep in place. And then, when an independent Member of this House adopts the very Bill which his Government approved, and introduced, and carried by large majorities, all the Members of the Cabinet voting for it except himself—he keeping his place, notwithstanding—he has now the presumption to stand up in his place and taunt the man who brought in the Bill, and who, by so doing, has lost nearly all his popularity in Ireland by what he has done; he has the presumption to attack that man for having an unworthy object in view upon the hustings. I feel perfectly safe with respect to the noble Lord, and I think he will be a little more careful before he attacks me again. The noble Lord lives in a glass house. He has found his way to a high place in this House and in the Government; but there are many men of his rank who would not arrive there by the same means. I am as free from imputation as the noble Lord can be, and I will only further remind him that he is among the last men in this House in a position to throw stones at others.

VISCOUNT PALMERSTON: Sir, I shall be guilty of the presumption of attacking the conduct of the hon. and learned Gentleman whenever I think proper. There are few Members who are more open to change than the hon. and learned Gentleman has shown himself to be. As to the course which I took last year with respect to the Bill to which he alludes, it was perfectly plain and undisguised. I said in the Committee that I disapproved, on principle, the foundation on which the Bill rested. I repeated that statement in my place in this House, and observed that, disapproving in the abstract the principle on which a part of the Bill was founded, I nevertheless thought that, in the existing condition of Ireland, some concession of principle should be made—that there were circumstances connected with the tenantry of Ireland that rendered it necessary to make some sacrifice of abstract principle, in order to remedy practical evils. I say again, Sir, that I cannot understand how any man who sincerely desires to have this question settled should insist on inserting in the Bill provisions that he must know would prevent it from passing in the House of Lords, and which have prevented part of it from receiving the sanction of this House.

Motion *agreed to.*

The House resumed; Committee report progress.

VOTING ON DIVISIONS.

MR. FITZROY stated, that he was anxious to submit for the decision of the Speaker a question which had arisen upon the Proceedings in the Committee which had just reported.

When the numbers were announced at the Table by the Tellers, his attention was called by the learned Member for Wallingford to the fact that three Members, among whom was the Secretary of State for the Home Department, had voted in the majority, though not in the House when the Question was put; the right hon. Baronet stated that he was in the Lobby beyond the folding doors, at the back of the Chair; and the Question which he had to submit for the Speaker's decision was, whether a Member under such circumstances was entitled to have his vote recorded, or whether he is disqualified from voting, being considered not to be in the House.

Whereupon Mr. SPEAKER said That to entitle a Member to vote he must have been in the House and within the folding-doors, and must have heard the Question put.

SIR GEORGE GREY said, he should of course submit willingly to the right hon. Gentleman's decision, and his vote would not be allowed in the division, but he thought it was desirable to call the attention of the House to the consequences of that decision, so that the question might not be again raised when its settlement might have an effect upon an important division. The folding doors at the back of the Chair, and also at the front of the Chair, at the other end of the House, were always open. The question was always put immediately on the outer door being shut by the Serjeant-at-arms after the Members coming from the lobby had entered it, and the folding doors at the end of the House being kept open, it was almost impossible, when there was a full House, for Members who had just entered from the lobby to get beyond them. The consequence was, that the space between the outer door and the folding doors was crowded when the question was put. This point having been raised, he would suggest that it might be desirable, in future, to have the folding doors at both ends of the House closed during divisions.

MR. SPEAKER: Strictly speaking, when the question is put, every Member ought to be in his place—no Member should be standing upon the floor. It is the duty of the Serjeant-at-arms to clear the lobby of Members, and those Members who do not wish to vote have the liberty of retiring to the room beyond the lobby. All Members who are in the lobby ought to come into the House and vote, but they ought not to be allowed to vote unless they are within the walls of the House—inside the folding doors.

THE ATTORNEY GENERAL said, he was one of those whose votes had been challenged, and he acknowledged that, after the decision of Mr. Speaker, it must be struck out; but he would point out that there was not sufficient room in the House for all the Members. He congratulated his hon. and learned Friend (Mr. Malins) on the great grievance he had discovered. He (the Attorney General) was engaged with his hon. and learned Colleague the Solicitor General in arduous studies in the lobby before the division took place, and he was a little too late to get in before the question was put. The hon. and learned Gentleman opposite (the Member for Wallingford), with a vigilance which showed his extreme anxiety for the observance of the forms of the House, even in a case in which it could not be of the slightest importance, and actuated, no doubt, by a high sense of public duty, thought proper to interfere. He would therefore venture to suggest, in consequence of the decision which had been come to, that some steps ought to be taken for enlarging the boundaries of the House.

MR. SPEAKER: The hon. and learned Gentleman must remember that after strangers have been ordered to withdraw all the seats below the gallery are at the disposal of Members of Parliament. If the rule were observed, that no Member was to be allowed in the lobby after the glass was turned, no confusion would arise, because every Member would be in his place within the walls of the House when the question was put.

MR. FITZROY said, the decision which had been given by Mr. Speaker rendered it unnecessary for him to put another question with reference to the presence of Members in the lobby during a division. The only other question, therefore, upon which he would ask for a decision for his guidance upon future occasions was, within what time after a division had taken place was it competent for a Member to challenge a vote?

MR. SPEAKER: If it has been discovered that a Member was not present when the question was put, the vote of that Member may be challenged before the numbers are declared, or after the division is over.

MR. MALINS said, the course he had taken had at any rate had the effect of causing rules to be laid down for the guidance of the House in such distinct terms that it would be impossible for any Member, henceforth, to mistake them, and he was sure every hon. Member felt obliged to Mr. Speaker for the decisions he had given.

Subject dropped.

The House adjourned at Three o'clock.

HOUSE OF LORDS,

Friday, July 6, 1855.

MINUTES.] PUBLIC BILLS.—1ª Powers under Improvement Acts Regulation; Dwelling Houses (Scotland).

2ª Court of Exchequer (Ireland); Stock in Trade; Copyhold, &c. Commission Continuance.

3ª Assizes and Sessions; Friendly Societies.

JUDICIAL PROCEEDINGS OF THE HOUSE.

LORD BROUGHAM said, that, before their Lordships proceeded to the transaction of the business before them, he desired to state that a very incorrect representation had appeared in one of the daily papers of some judicial proceedings which had taken place in their Lordships' House. He had no complaint whatever to make of the paper in which had been published the article commenting on the proceedings in question, for the article was perfectly respectful towards that House, and even kind towards the law Lords; but some persons—probably some interested party—had made important misrepresentations of the facts, and had thus led to the insertion of a totally erroneous statement of what had actually occurred. It was stated that his noble and learned Friend upon the woolsack and Lord St. Leonards differed in opinion on a certain case; and that, while the question was under deliberation, he (Lord Brougham) came in, and, although he had not heard the arguments, turned the balance in favour of the Lord Chancellor, the consequence being that the case was decided in accordance with the opinion of the noble and learned Lord. But this statement was altogether erroneous; for the fact was that he was absent from the House—and, indeed, he might say from the country—for three weeks before and for a fortnight after the 1st of May, the day on which those proceedings were represented to have occurred. It was clearly impossible, therefore, that he could have pursued any such course as had been attributed to him in the article to which he had alluded. The true state of the case was that, in consequence of the equality of the number on both sides—there being one law Lord on each side of the question—there was what some might regard as no decision whatever of that House; or, in other words, the appeal was dismissed, and the judgment of the Court below affirmed, which judgment was contrary to the opinion of the Lord Chancellor, and according to the views of his noble and learned Friend Lord St. Leonards, so that the practical effect was that the opinion of the latter noble and learned Lord prevailed. Under these circumstances, it was manifest that no statement could be more unlike the truth than that to which he had called the attention of their Lordships. He could only observe, in conclusion, that it was the invariable practice of the law Lords not to take part in the decision of any cause, unless they had been present at the argument.

LORD CAMPBELL admitted that it was highly proper that the mistake of the writer of the article referred to by his noble and learned Friend should be corrected; but he hoped that it would never be thought a breach of privilege to comment, not only kindly, but stringently, and, if necessary, severely, on the proceedings of that House when acting as a court of justice.

THE LORD CHANCELLOR observed that the statement of his noble and learned Friend (Lord Brougham) was literally and perfectly correct; for he could testify that his noble and learned Friend had taken no part whatever either in the argument or the decision of the case in question. The argument commenced after he had left the country, and the decision took place before he had returned. It had been suggested that in cases where only two law Lords attended, and where those two were of a different opinion, there should be a reference to a third; but he doubted whether that would be an advisable course to pursue, for the decision would then altogether rest with one arbiter, whereas, according to the present practice, when there was a difference between the two Lords who had tried the appeal, the judgment of the Court below was affirmed, and thus that opinion prevailed in favour of which there was the largest number of Judges.

RELIGIOUS WORSHIP (No. 2) BILL.

Order of the Day for the Second Reading read.

THE EARL OF DERBY: My Lords, I very much regret to find, in making, by the direction of a Select Committee of your Lordships' House, the present Motion, asking your Lordships to agree to a Bill which has for its object the relief of all denominations of Christians—members of the Church of England as well as the various Dissenting bodies—from the possible operation of certain existing penal Statutes, that I have to encounter the opposition of a noble Friend (the Earl of Shaftesbury), by whom a Bill on the same subject, but of a more extended character, was introduced to your Lordships, and was by your Lordships referred to a Select Committee. I regret still more that my noble Friend who had charge of that measure, upon your Lordships deciding to send it before a Select Committee, not only declined to take any part in concert with me in the nomination of the Members of the Committee, but even refused to attend its deliberations or to assist it with his advice, or even by a statement of the case which he was anxious to recommend to its attention; for I can assure my noble Friend that, if he had presented himself before the Committee, and brought forward any instance of real or substantial grievance, he would have met with no indisposition to listen with every attention to his observations or his arguments; on the contrary, he would have found evinced by every Member of the Committee an earnest desire to remove by legislation everything that can be proved to be a real grievance, so far as is consistent with the principles which have hitherto guided Parliament in dealing with questions of this character. The invariable policy of this country, ever since the principle of religious toleration has been in force in it, has been that the public worship of Almighty God should be duly and solemnly conducted in buildings set apart for that special purpose, either (as in the cases of the Churches of England and Rome) by consecration or dedication, or (as in some exceptional cases, even in the Established Church also, and in almost every instance among the Dissenters) by licensing and registration. This practice is, I believe, in accordance with the views and wishes of all right-thinking and serious-minded members of the community, whatever may be the particular religious denomination to which they belong. That it is the feeling and desire of the Protestant Dissenters in general, I may venture to infer from the fact that there is now upon your Lordships' table a Bill introduced and carried through the House of Commons on the part of those very denominations, not with the object of abolishing, but of amending and enforcing the law requiring places of worship to be licensed and registered. The Protestant Dissenters, therefore, may be presumed to desire, not the repeal of this law, but that the mode of registering and the manner in which licences are granted should be regulated. In the year 1852 an Act was passed transferring the supervision of this registration from the Episcopal Board, which formerly discharged this duty, to the Registrar General's office. Now, it is in consequence of that Act that a new measure has been deemed necessary in the present year; but it has so happened that the necessity for this new measure has led to a practical demonstration on the part of the Dissenters, that they do not require that places of worship shall not be registered and licensed. The two principal Statutes which regulate places of public worship in this country are the 1st *Will.* and *Mary*, requiring the licensing and registration of Dissenting places of worship, and the 52nd of *Geo.* III., which consolidated and amended various previous Acts, and enacted that any person assembling in his private dwelling for public worship a body of more than twenty persons, exclusive of the members of his own family and household, shall be subject to a penalty. A Bill was brought into the House of Commons in the course of the present Session to repeal certain provisions of the 52nd *Geo.* III. It passed almost—in fact, I believe entirely—*sub silentio* through the other House; but, after the third reading, an addition was made in the Bill by an Amendment, and which was never printed for the information of the other House, and which was inserted after twelve o'clock at night. This Amendment introduced another and a totally different branch of the subject into the measure, and entirely did away with the law requiring any building set apart for purposes of public worship to be registered and licensed. That struck me as being rather a singular proceeding, and formed one reason among others why I thought the Bill of my noble Friend should be referred to a Select Committee. The Committee, under these circumstances, were of opinion that one ground upon which that Bill should not be persevered with, but that another Bill with similar objects should be substituted for it, was that by adopting that course the House of Commons might have an opportunity of deliberately reviewing the measure, which in point of fact the Members of that Assembly had never seen or known anything about during its progress through that House. For, I must say, that this practice of introducing by a kind of afterthought such extensive changes of the law, when a Bill has been read a third time, and after twelve o'clock at night too, is a most mischievous mode of legislating, and one which I trust your Lordships will decidedly discountenance. My Lords, the Committee to whom the Bill was referred were most earnestly desirous of meeting any true and substantial grievance; and, in consequence of the absence—the unfortunate absence I will say—of my noble Friend from its deliberations, they had to consider as best they could the cases of grievance, real or possible, to which he had referred in the statement which he had made in this House. It will be recollected that the first case to which my noble Friend alluded was that of clergymen of the Established Church, and he even stated that the clergy of the diocess of a right rev. Prelate opposite were in the weekly and daily habit of violating the existing law, by carrying on their ministrations in private houses and in other places than churches. Now, I think it would be very difficult for my noble Friend to prove that the practical operation of the law is such that its penal consequences could be made to affect clergymen of the Church of England ministering in their own parishes; but, to remove the possibility of any doubt on that subject, the Bill which I hold in my hand distinctly provides that the existing Statutes shall not be construed to apply to the case of any acts of religious worship, whether conducted by the incumbent or by the licensed curate of the parish, or by any clerk in holy orders acting on behalf of such incumbent or licensed curate. The next case of supposed grievance stated by my noble Friend was that of various religious and charitable societies, which in holding their occasional meetings, commenced and concluded their proceedings with prayer or other solemn acts. I do not believe that such a case would come within the penal clause of the existing Act of Parliament; but, at any rate this Bill distinctly provides that persons engaged in such proceeding shall not be subject to any penalty whatever. The third class of cases referred to by my noble Friend present considerable difficulties—that of the celebration of Divine worship in any place whatever, not being licensed or registered as a place of worship, and, of course, not consecrated, where there is an attendance of more than twenty persons, exclusive of the family or household belonging to such place. No doubt there is considerable difficulty in dealing with this case. It is by no means easy, I frankly confess, to draw an accurate definition between what is public and what is private worship. The law as it at present stands does not interfere with private worship; the private devotions of every family are left entirely untouched; but the question is, where are we to draw the line between public and private worship? I confess that I do not consider the definition drawn by the law, as it at present stands, to be one of the most fortunate character. I think it is rather arbitrary to say that the presence of more than twenty persons, exclusive of the family and household, shall constitute an act of public worship, and shall draw down the penalties of the Act; and, speaking for myself, I should be glad to see some other definition introduced into the Bill, having regard more to the fact of the act of worship being celebrated in a private house than to the number of persons engaged in it. My noble Friend, as I understand, opposes this Bill on the ground that it does not go far enough in this direction. He cannot deny that it does, to a certain extent, relax the present law; but the principle which he desires to lay down is this—that public worship of all descriptions (with the exception of the sacrament of baptism and the rite of marriage), so far as the law of England is concerned, may be solemnised by any person, in any place, at any time, and under any circumstances, without let or hindrance on the part of the law. Now, my Lords, the Dissenting congregations may have within themselves a power of dealing with members of their own denominations who shall conduct their religious worship in a form not in accordance with the rules of their body; but the Church of England has no such power; and what my noble Friend proposes, therefore, is this, that while the Church of England is bound down by strict rules and regulations, and is prevented from enforcing her own discipline on her own members, the law shall not protect that discipline; but the members of her communion shall be empowered to usurp the authority and ministration of the clergy, and to carry on their ministrations in defiance of the parochial clergy. This may be right with regard to the voluntary bodies; but it is absolutely destructive to the parochial system of the whole constitution of the Church of England. In many large towns, and in the extensive rural districts, the clergyman of the parish is physically unable to discharge all the important duties which devolve upon him, and in numberless cases he would—and, indeed, often does—gladly avail himself of the assistance of pious laymen. I do not desire to interfere with such a practice. What I desire by this Bill is not to prevent this, but, on the contrary, for the first time to give a legal status and a legislative sanction to such assistance. At present it is doubtful whether any layman is capable of assisting the clergyman of the parish, even though with his consent and by his authority, in visiting the sick and holding meetings for the purpose of religious worship; but this Bill provides that for the future no penalty shall attach to any layman performing these duties with the concurrence of the clergyman of the parish in which he labours. It may be said that this clause might be nullified by the idleness or apathy of the clergyman of the parish, who may refuse assistance of this description; but, with a view of meeting this difficulty, there is a provision in the Bill that if any layman who is disposed so to employ himself can obtain the consent of the Bishop of the diocess he shall be at liberty to engage in those good works without subjecting himself to a penalty. I do not say that it will not be an unfortunate circumstance that there should be such a difference of opinion between the clergyman of the parish and the bishop, and that there should be in the same parish a conflicting authority, as it were, between the layman sanctioned by the bishop and the clergyman who has refused his assistance; but this is a less evil than the existing state of things, in which neither the bishop nor the clergyman has power by law to avail himself of the assistance of laymen. I have now stated the manner in which this Bill proposes to give relief in the three cases brought forward by my noble Friend; but there remains yet another class of cases with which there is great difficulty in dealing, but with which my noble Friend would deal in a very summary manner, inasmuch as he would repeal all restrictions, and leave every man to do that which seems best in his own eyes. There is an evil against which it is the duty of the House to make provision, or, at least, to continue the provision which at present exists. We cannot conceal from ourselves the unfortunate dissensions which at present prevail upon certain topics in the Church of England; but, if there is any course which is more certain than another to aggravate those dissensions, and to introduce into this country all the evils which have resulted in Scotland from the institution there of a Free Church in opposition to the Establishment—the evils I mean of animosity where there ought to be agreement, and jealousy where there ought to be mutual support—it would be if the Legislature were to give to any member of the Church of England the authority and sanction of Parliament in establishing a congregation and performing Divine worship without applying for a licence, and while still professing to be a member of the Church of England—in any place, according to his own views, and in direct opposition to and defiance of the clergyman of the parish. It may be said, however, that it would be hard to prevent any one from holding a meeting for religious worship for the convenience of his poorer brethren who might not be able to attend church; and, to provide for that case, I certainly should have no objection to consent to a clause by which such meetings might be allowed, provided that they were held in a dwelling-house and did not take the form of public worship, and provided also that the person officiating was not a clergyman of the Church of England. If such a clause should be framed, then by the Bill I propose all possible cases of grievance under the existing law would be removed. The Committee thought that my noble Friend, in sweeping away all these restrictions, went too far, and that he thereby introduced and sanctioned dangerous principles; but, at the same time, being anxious to meet the views of my noble Friend, the Committee directed the present Bill to be prepared, which, I believe, will do away with all substantial cases of grievance, and which, being sent down to the House of Commons, might meet with a fuller consideration than had been given to the other Bill. I am not without hopes that my noble Friend, on further reflection, will feel that by the adoption of the measure I now propose his object would be attained, and I, therefore, move the second reading of the Bill.

Moved, That the Bill be now read 2^a.

THE EARL OF SHAFTESBURY: My Lords, the first complaint made by the noble Earl was, that I refused to serve on the Committee appointed to consider this question. The reason why I declined to serve on that Committee was this:—After the speech made by the noble Earl in moving that the Bill be referred to a Select Committee—in which speech he completely overthrew the principles of the measure, and, as I thought, expressed sentiments which, if carried to their full extent, must issue in the revival of the Conventicle Act—I felt it was hopeless for me to serve on the Committee, knowing that I had no party to follow me in this matter. I therefore declined even to look at the names of the members of the Committee, because I believed, if I had, I should be obliged to make comments on some of them which might seem, perhaps, somewhat invidious. Under these circumstances I declined to attend the Committee, knowing, if I did, I should only have to share in the responsibility of the decision of the Committee, which I felt would be adverse to my measure. The noble Earl has again revived the charge which I answered during the last debate, that my object in what I proposed is to throw confusion into the Church of England, and to enable the laity to supersede the clergy; by stating that the rites of marriage, baptism, and burial were by my Bill alone excepted from celebration by the laity, he left the House to infer that I wished to put into the hands of the laity the power of administering the Lord's Supper. Now, what did my Bill effect any more than the repeal of the 52 *Geo.* III., which declared that not more than twenty persons should be allowed to attend religious worship in private houses, over and above the members of the family?

When that Act should be repealed the laity would remain in the same condition as before with respect to the ministration of religious rites, and the clergy would also remain precisely in the same state in respect to ecclesiastical discipline and to the authority of the bishops. It was not until I had gone far into this question that I was aware of the great depth of feeling prevailing throughout the country on this question, or of the great extent to which the existing law was used for the purpose of intimidation. Obsolete it was, to a great extent; but where? In great towns, and among the powerful and those who by their station could resist any attack attempted to be made on them. But it was not obsolete in respect to the poor cottage, or to the laity in poor parishes, or to poor clergymen, who felt that they might in many cases be brought to a stop, under the existing law, in the performance of their duties. After the discussion which has taken place, I feel that it will be quite impossible for the law in future to remain obsolete, even in those large districts where before it was in abeyance. I feel that, if the Bill of the noble Earl be passed, the law must be enforced; and, whether either the old law or this proposed new law should be brought into operation, a most decided restriction of what is the present practice would be introduced. Now, I think that there must be something very decided in the present proposition, otherwise we should not have such a marked movement on the part of the episcopal bench on the subject, or have the leader of the Conservative party come down here and lay on the table a Bill, and do everything in his power to sustain the demands of those who wish to retain the present restrictions in all their vigour. This question has sunk deep into the heart of the country, and the minds of the people are made up on it. Whether the House accept my Bill now or reject it, I feel that eventually its passing is as sure as the rising and setting of the sun, and my only hope and prayer is that the Bill may be passed without further agitation. All the various arguments connected with the subject have already been so fully laid before your Lordships that it is unnecessary for me to repeat them. The principle of my measure is very simple, namely, that every man has a perfect right to worship God when and how he pleases within his own house, and to call his friends and neighbours together to join in the worship and in hearing the Word of God read. That is not only every man's right, but his positive duty, unless it can be shown that the public safety or public morality will be endangered, and then the statute law may step in and check that great Christian privilege. But the noble Earl has not ventured to show that either of those results would follow from the passing of my Bill. The utmost he has ventured to say was, that he thought the parochial system might be endangered; but I will endeavour to show that it will be greatly benefited by my Bill. In conformity with my principles, the Bill which passed the House of Commons gave ample relief both to Dissenters and to Churchmen. The noble Earl, in moving that the Bill be referred to a Select Committee, told the House that no time would thereby be lost, as the Bill had passed the House of Commons, and it would not therefore be necessary that it should repass there through its different stages again. But that Bill is now virtually thrown out by the casting vote of the noble Earl, who has substituted for it another Bill which is now under consideration. The new Bill is, without exception, a most objectionable measure. In the first place, I object to it on the ground that, under the guise of being an amendment of the law, it is, in fact, an entirely new ecclesiastical discipline Bill. I do not mean to say that I should object to the introduction of an ecclesiastical discipline Bill, but I object to the introduction of such a measure under the guise of revising the statute law, and when it gives greatly increased power to the bishops of the Church of England. The first clause of the Bill enacts—

> "The said Acts or any of them shall not hereafter be taken to prohibit or to impose any penalty in respect of any meeting for religious worship within any parish or ecclesiastical district in England or Wales where the religious worship shall be conducted by the incumbent or licensed curate of such parish or ecclesiastical district, or by any other clerk in holy orders acting on the behalf of such incumbent or licensed curate, and not under prohibition from the bishop of the diocess; or by any reader, visitor, or other lay person within his own private house, or elsewhere within such parish, who shall act with the sanction and authority of such incumbent or licensed curate, or of the bishop of the diocess."

Why should licensed curates be named? By far the greater number of the curates to whom the measure would apply are not licensed. [The Bishop of OXFORD dissented.] He believed that the reverse of what the right rev. Prelate intimated was the fact. But, even if it be not so, why are the curates without licence ignored? Is it not the fact that the Bishop has far greater authority over the licensed curate than over one that has no licence?

THE BISHOP OF LONDON: Just the reverse.

THE EARL OF SHAFTESBURY: Can the incumbent dismiss a licensed curate?

THE BISHOP OF LONDON: No.

THE EARL OF SHAFTESBURY: Can the bishop dismiss a licensed curate?

THE BISHOP OF LONDON: Yes.

THE EARL OF SHAFTESBURY: The right rev. Prelate says, it is the reverse of what I have stated. I asked him if an incumbent could dismiss a licensed curate; and the answer was "No." I asked then, can a bishop dismiss a licensed curate? and the answer was, "Yes."

THE BISHOP OF LONDON: I may state, that an incumbent can dismiss a licensed curate, subject to an appeal to the bishop; and that the bishop can dismiss a licensed curate, subject to an appeal to the archbishop, but that he has entire control of the unlicensed curate.

THE EARL OF SHAFTESBURY: My object was to show that greater power is retained over the unlicensed than over the licensed curate. But be that as it may, let me proceed to observe, that this Bill goes on to settle a moot point between incumbents and the bishops. In many instances incumbents invite friends of their own to preach in their pulpits, and occasionally this right is disputed by the bishops; but here power is positively given to the bishops to prohibit the exercise of that right, a power which they do not at present possess. Now, let us see what are the powers exercised by this Bill over the laity. It is provided that the Act shall not apply to "any readers, visitors, or other lay person within his own private house or elsewhere, within such parish, who shall act with the sanction and authority of such incumbent, or licensed curate, or the bishop of the diocess." Here the laity are to demand the right of worship in their own private dwellings, and the question is now limited entirely to the subject of private worship, because it will be found, on examination of the Acts, that any layman may register any place for worship at the quarter sessions without declaring that he is a Dissenter. If he register according to the Registration Act of 1852, he must declare that he is a Protestant Dissenter, and the denomination to which he belongs; but if he register at the quarter sessions, it is enough if he state that the place is to be used for Protestant worship. The whole question, therefore, is one of having worship in our private dwellings; but look at the restrictions under which this is placed by the Bill before us. The layman is to go as a suppliant either to the incumbent, the licensed curate, or the bishop of the diocess, and they have power to refuse the application. Then, if the application is granted, they have power to revoke it, and they may also impose conditions on the applicant. They may insist, for instance, on the use of certain prayers, and a particular description of service. I must say I have never known such an attempt as this to bring the whole body of the laity under the control of the clergy. The people of England are warmly attached to the Church, but they will not submit to this—that no man shall be allowed to have worship in his own house, with his friends and neighbours, unless he can get the consent of the incumbent or the bishop, or the licensed curate, and submit to such conditions as they may impose. Now, all this is for the purpose of maintaining the parochial system. I believe the rigidity of such rules as these has done more, and will do more, to drive hundreds from the Church, and to keep thousands from coming into the Church, than almost any regulation you can impose. The parochial system is, no doubt, a beautiful thing in theory, and is of great value in small rural districts; but in the large towns it is a mere shadow and a name. I will undertake to say that, even in London, where there is a most active and devoted parochial clergy, there are in many districts thousands of people who never saw their parish clergyman in their lives, and who hardly know the name of the parish in which they reside. In such circumstances it would be true wisdom to avail yourselves of the zeal and piety of the laity, male and female, and to encourage them to go into the lanes and alleys of our large towns to compel the people to come to the Gospel feast. There is a great deal of superabundant zeal and activity that requires employment; and if it is not brought within the pale of the Church it will work vigorously out of it. John Wesley never wished to leave the Church, and, even now, Wesleyans hardly like to be called Dissenters. If, however, you adhere stiffly to rules which prevent such persons from labouring in the cause of religion within the Church, they must inevitably fall into the ranks of Dissent. Then, what does this Bill do to relieve the great body of Nonconformists? It does nothing whatever—nay, it absolutely ignores them. The Dissenters, no doubt, desired exceedingly that their recognised places of worship should be registered, not merely to perform there the rites of baptism and marriage, but because they think it a matter of propriety that they should be so. Neither should we of the Church of England object to our places of worship being recognised, but we and the Dissenters agree together on this point — that we shall have our private dwelling-houses free for worship, and that we will not go to any party whatever for permission, be he priest or prelate. Will you send down a Bill like this to the other House? Your Lordships must be aware that there are in the House of Commons numerous Dissenters—men of high station, considerable intellect, and distinguished ability, and men also of the truest loyalty and patriotism; but, when they have sent up to us a Bill demanding relief for themselves, we are asked to send them down a Bill in which they are altogether ignored. [The Earl of DERBY here interposed a remark.] The noble Earl says this is a Bill of which they know nothing, but I can tell him it is a Bill of which they know something now. Has not the noble President of the Council received deputations from the Wesleyans and from other bodies of Dissenters, as well as from Churchmen, stating that this measure imposes upon them improper and unjust limitations, to which they will not submit? I have in my possession a letter from the secretary of one of the committees of the Wesleyan body, in which he states that a deputation has waited upon the Lord President of the Council to explain the feelings of that community with reference to this Bill, and expresses their determination to give no rest to the country until they obtain their rights. The second clause of this Bill provides that no penalty shall be imposed in respect of the use of prayer at the opening or closing of meetings held for any religious or charitable purpose. I ask your Lordships whether, in the history of legislation, such a privilege was ever granted by statute? It is not only the great and solemn privilege, but the duty of Christians to enter upon no undertaking without imploring the blessing of God in prayer; but we are now asked to incorporate in the statute law of the realm a Bill drawn by a Bishop, which permits us the privilege of opening and closing with prayer any meetings having a religious object. My Lords, I protest against this permission. The noble Earl (the Earl of Derby) says this clause was introduced to meet my case; but, so far from meeting my case, this provision completely kills it. I wish to know why prayer should be allowed only at the opening and closing of these meetings? Why should it not be permitted during the progress of such meetings? This clause, I must remind your Lordships, will put an end altogether to the operations of the London City Mission. That society has held, during the past year, nearly 30,000 meetings, which were of a purely devotional character, commencing with prayer and singing, continuing with prayer and reading of the Word, and closing with prayer. These meetings, therefore, will be altogether interdicted by the clause to which I have directed attention. Now, was this intended? If not, why was the clause that gave liberty for occasional meetings struck out of the Bill?

THE EARL OF DERBY: I rise to order. The noble Earl is perfectly at liberty to comment upon the Bill as it stands, but I think he is not entitled to state before your Lordships what took place in the Committee, or to comment upon those proceedings.

THE EARL OF SHAFTESBURY: I have gained what I want. I have shown that the noble Earl and the right rev. Prelates are afraid of having the facts disclosed. The services held by the agents of the London City Mission are as completely religious services as can well be held in any church or chapel, and I must express my regret that that society, notwithstanding the good it has accomplished, has never received that countenance from the Bishop of the diocess which it might have anticipated. On the contrary, I believe the right rev. Prelate is extremely hostile to the London City Mission, and I therefore regard with much suspicion this clause, which was introduced into the Bill by the Committee of which he was a member, for it is obvious that, if the clause is brought into operation, it will extinguish altogether the efforts of the City Mission. That institution employs nearly 400 agents; its operations are conducted among the most necessitous and degraded classes of the population; and it accomplishes what the clergy of the Church of England cannot effect with all their zeal and energy, in consequence of their inadequate numbers. During the last visitation of the cholera, although many City Missionaries fell victims to the discharge of their duties, they carried consolation to the hearts of hundreds; but, if this Bill passes, the meetings for prayer and reading the Scriptures, which they now hold in private dwellings, will be altogether interdicted. [The Earl of DERBY: "No, no!"] Yes; although you may open and close a meeting for religious objects with prayer, every meeting which is of a devotional character throughout is interdicted. I believe the Bishop of this diocess will admit that, but for the efforts of the agents of the London City Mission, the people of many portions of this metropolis would be in more abject ignorance than the inhabitants of the interior of Africa. That the present Bill should pass this House seems inconceivable; that it should pass the House of Commons is absolutely impossible. They sent up a Bill giving full relief to Churchmen and Dissenters. Will you return them a Bill which gives a really hateful relief to Churchmen, and absolutely ignores the very existence of the Nonconformists? You will bring on a collision between the two Houses; and, the more so, as the change will have been effected by the active hostility of the episcopal bench. I have urged this question under the full and solemn conviction that the provisions of my Bill would conduce to the diffusion of Christianity throughout our large towns and populous districts, and not a little to the real interests and extension of the Church of England. We are living in times of great excitement, much growing unbelief, a growing spirit of nonconformity, and much peril. Remember the warnings of the Registrar-General. He tells you of 5,000,000 human beings in this Christian land who are under no religious teaching or influence whatever. It is an increasing, and not a decreasing number. It is to no purpose, he tells you—and most truly—to build churches, had you even the money to do so. You need the living agents to go among the people to stir them, teach them, persuade them, evangelise them. You will never invite these millions by tightening the reins of an ecclesiastical system; for, unless our Church be enabled to act as a missionary Church, and fairly compete with all other denominations, she will be lost, and that very speedily. I trust that this Bill may be rejected, and my own passed into a law; but, if it be not so, I pledge myself never to desist from the work. My noble Friend behind me laughs. I dare say I may appear perfectly ridiculous in his eyes, but I have been guided by what I conceive to be right, and I pledge myself never to desist from the work. Should my life be spared to another Session, I will reproduce the same measure, with the most ample conviction that the blessing of Almighty God will rest on the endeavour. I now beg to move that the Bill be read a second time this day three months.

Amendment *moved*, to leave out "now," and insert "this Day Six Months."

THE ARCHBISHOP OF CANTERBURY: My Lords, I have felt that the subject now before your Lordships involves questions of so much delicacy, as well as difficulty, that I have hitherto been unwilling to intrude upon your Lordships' attention. I am convinced that whatever measure my noble Friend should bring before your Lordships would be dictated by motives which all must admire. It seems incumbent upon me, however, to say a few words in consequence of what has fallen from the noble Earl, who appears to think that no one who has at heart the interests of true religion could be adverse to the Bill which he has introduced into the House. I can, however, state, in one sentence, the reason why I can not support that Bill. Simply, my Lords, because I have subscribed the Articles of the Church in which I hold so prominent a position, that I certainly ought not to set the example of contradicting its Articles. The 23rd Article of our Church pronounces that—

> "It is not lawful for any man to take upon him the office of publick preaching, or ministering the Sacraments in the Congregation, before he be lawfully called, and sent to execute the same."

Now, if I rightly understand my noble Friend's Bill, it will give to every one the liberty of public preaching and of ministering in the congregation, with no other call than that of his own conviction; for it proceeds upon the principle that no other call is necessary to the office of a public teacher than what may arise from the call of his own conscience. My Lords, there are great differences of opinion as to what constitutes a lawful call. But among the various denominations of Christians, I hardly know of two who do not hold that some authority is needful to justify public ministration, or who hold it to be enough that a man is satisfied in his own mind that he ought to be so employed. Therefore it is, my Lords, that I have found myself unable to support my noble Friend in a measure which I know he himself thinks both right and salutary. It is with regret that I do not support him. I honour the noble Earl for his zeal in the cause of religion, for the disinterestedness with which he devotes his life and talents to the benefit of his fellow-subjects; but I cannot help thinking that in the present case, his zeal for religious freedom has misled him, carried him too far, and even into some danger of being intolerant. For, to propose a measure which is inconsistent with the principles of others, and then to accuse them of obstructing religion because they cannot support that measure, is a species of persecution which I am sure, in any other case, where his feelings were unbiassed, he would be the first to condemn. My Lords, if I might venture to advise, it would be that both Bills should be withdrawn, both that of the noble Earl, and that which has been substituted for it, which I confess appears to me open to many of the objections which have been urged against it. Let the law stand as it has stood hitherto, since it is found so hard to mend it. The law has never done much harm. I have never heard of more than one conviction under it, and that took place thirty years, or more, ago. The discussion has done this good—it has led to the general acknowledgment that clergymen in their own parishes are entirely free from the operation of the law; and, as for the meetings of religious societies, I cannot believe that any one could in earnest believe that they were affected by it. The best authorities have now declared that, to avail yourself of the provisions of the Act, and certify your house for a religious service, in nowise stamps any one as a Dissenter; and, indeed, it is hard to understand how such a conclusion could be founded on an Act to regulate the religious worship of Protestants. I really think, therefore, that it would save much heartburning and promote the cause which we all unite in wishing to promote, if the measure were not persisted in, and matters were allowed to remain in the state in which they were before the introduction of this Bill.

THE BISHOP OF LONDON said, he was desirous of making a few observations in answer to what appeared to him to be a personal attack upon himself. In the heat of argument the noble Earl (the Earl of Shaftesbury) had been induced to make an assertion which, upon further inquiry, he (the Bishop of London) thought he would feel disposed to retract. The noble Earl had stated that the hand of the right rev. Prelate who presided over that diocess might be detected in one of the clauses of the Bill, and the noble Earl then went on to express a belief that he (the Bishop of London) was hostile to the London City Mission. He did not know the grounds upon which the noble Earl made this assertion, or how he was prepared to substantiate it, but he felt called upon to say that it was entirely without foundation. He had certainly declined to belong to the London City Mission, because he disapproved of its constitution, and because he thought it improper for any association to send religious teachers into a parish, not only without the consent of the incumbent of the parish, but in some cases against his will. In several instances he believed that the working of the association had been favourable to Dissent and against the Established Church, and therefore he had thought himself fully justified in not belonging to it. At the same time he was not at all opposed to lay agency, and he did not care what missionaries were employed, provided only that they co-operated with the clergyman of the parish and were Churchmen. It was quite true that two or three years ago several cases occurred, in which he had thought it his duty to find fault with the London City Missionaries, because he considered that their proceedings were favourable to Dissent and opposed to the interests of the Church of England. To prove, however, that he was not opposed to lay agency, he might state that he had been one of the first to assist in the formation of the Scripture Readers Society, which employed lay agents to explain the word of God in the dwellings of the poor. By all means let them read and explain the word of God. He had always given, and should continue to give, a warm and active support to the Scripture Readers Society, for its members never conducted their operations without the consent of the incumbent of the parish, and they rendered most valuable services. The discipline of the Church of England was clear on the subject. If any member of the Church thought himself called upon to exert himself and employ his talents and his time in making known the great truths of Christianity to those now ignorant of them, it was his duty to do so according to the rules and orders of the Church to which he belonged. It was the duty of every Churchman to act according to the rules of the Church, and with a due regard to its discipline, for without such regard the greatest confusion and disorder would be introduced into our parochial system. If there was in this diocess a want of adequate ministration, this was no reason why they should introduce laymen to undertake that ministration in a manner hostile to the parochial system. It formed a very good reason why they should build more churches and extend the parochial system, but no reason at all why they should allow a body of persons to exercise functions which the Church of England had committed to others, and which, if otherwise exercised, would lead to great confusion. The whole question before their Lordships was whether they would sanction public ministrations by lay members of the Church of England so long as they professed to belong to the establishment, and whether they would allow these persons to take upon themselves the offices of Church minister? No one proposed to interfere in the slightest degree with Nonconformists, or with their freedom of public worship; and if the Bill, to adopt the phrase of the noble Earl, "ignored" them, it was because those persons did not wish to be interfered with. But what the opponents of the Bill objected to was, he repeated, that lay members of the Church of England should take upon themselves the office and functions of the clergy, and should perform those sacred offices which the Church thought fit to confide to her ministers alone. They made this objection because they deprecated the evil of setting up in each parish a rival church under the sanction of the Church's name, but without her authority. Upon this point he might quote a passage from the works of a very wise and pious servant of God, the late Mr. Simeon, regarding prayer meetings presided over by a clergyman, but which applied with tenfold force to those ministrations which were not to be presided over by a clergyman, but by a layman. This gentleman stated, from his own sad experience in his particular parish, that two or three effects of them were undeniable. He said—

> "They proved hotbeds in which superficial preachers were raised up, who, going forth on the Lord's Day, intercepted those who were used to attend Mr. Newton. They produced a captious, criticising, self-wise spirit. They rendered the people indifferent to the worship of God at church, and, indeed, to any worship in which they did not themselves take a part."

And then he went on to meet the objection, and said—

> "But, nevertheless, good is done. God may do good notwithstanding; but are we to do evil that good may come? Good is done; but mischief also is done. The mischief is the direct consequence; the good by occasion at most. Such men, Mr. Cecil used to say, have but one side in their account book; they set down their gain, but not their losses; and, these being greater than their gains, they become bankrupt. They are bad Bills, endorsed sometimes by good men."

Such, he submitted, was the true character of the measure which the noble Earl had the other night laid upon the table. It was a bad Bill endorsed by a good name. No person was more anxious than himself to engage lay members of the Church to co-operate with the clergy; he was quite aware that without their aid the ministers of the Church of England could not perform their duty with the success which would otherwise attend their ministration; but, let that co-operation be given on true Church principles, and in conformity with Church regulations. Why should lay members not do as much good in obeying these regulations as they could expect to do by not obeying them? It was for these reasons, and with no wish to intercept the operations of any missionary society whatever, but simply because he felt it his duty to adhere to the principles to which he had subscribed with his hand, and which he approved with his whole heart, that he was opposed to the Bill, and now seconded the Motion of the noble Earl that it should be read a second time that day three months. Before he sat down he wished to correct a misrepresentation which had been made of what had fallen on a former occasion from his right rev. Friend (the Bishop of Oxford). It had been stated in a newspaper that his right rev. Friend had declared that a meeting had been held, at which the bishops were unanimous in their determination to resist this measure. Now, the Bishop of Oxford stated no such thing; he only said that all the bishops present at a certain meeting, called for quite another purpose, were of the same opinion with respect to the Bill; and the statement in the newspaper in question, that the meeting must have been one of a few selected Prelates, was altogether without foundation.

Lord BROUGHAM said, he felt a difficulty in agreeing with either of the parties into which their Lordships' House was divided by the measure of his noble Friend near him (the Earl of Shaftesbury) and that brought forward in competition with it. This was only another instance of what the Roman historian spoke of as "the rare felicity of the time." It was his rare felicity, belonging to neither of the parties into which their Lordships' House was divided, to think as he listed, and speak as he thought. Nor, though he acquiesced in much that had fallen from the most rev. Prelate (the Archbishop of Canterbury), could he entirely agree in the results which he would draw. Differing, then, from both parties, he wished, in a few words, to state his opinion on the question before the House. It was a mistake to suppose that those who were friendly to the Bill which came up from the Commons—the promoters of it elsewhere, and the friends of it in their Lordships' House—were satisfied with the law as it stands, and wished no further relief than that which was afforded by the Act of 1812, commonly called Lord Sidmouth's Act. They wished that relief, no doubt, because the Act of 1852, by an error, by an unaccountable oversight, exposed all assembling in chapels and meeting-houses, built since that year, to the penalties substituted for the penalties imposed by the Act of Charles II.—those imposed by the Act of 1812; for after it had abolished the existing method of registration before the bishop, archdeacon, or court of quarter sessions, it enacted that registration with the Registrar General and his deputies should have the same effect as the registration which the Act had abolished—in other words, the new modes should be null and void—and the places of worship affected by that Act amounted in number to 6,500. But then the most rev. Prelate made use of an argument which he had often heard before—that these penalties were in Acts which were obsolete. The law on this subject, he said, was a dead letter. There was nothing more dangerous than keeping upon our statute-book these dead letters, as they were called—these penalties which they hoped, and vainly hoped, would never be enforced. Dead letters, indeed! they were not dead, these venomous reptiles. They were torpid, not dead, capable of being warmed into life by the malignant passions of one man, or the sordid avarice of another, or the well-meaning but misguided zeal of a third. His objections to the law, were both these Bills withdrawn, was, that it put the whole body of the Dissenters upon one footing, and the whole body of the English Church upon another. The Dissenters complained of being left on that footing; they would rather have the Old Conventicle Act, which had been repealed in 1812, than the substitute which was given them instead. The main difference between the two Acts was, that instead of the old limit of five persons, the somewhat mitigated enactment was twenty persons, assembling themselves for worship. They said that men ought to be at liberty to assemble for the worship of their Maker sincerely and piously in what numbers, in what place, and in what way they pleased, privately or publicly, provided their way of worshipping and assembling did not violate any moral duty. The Act of Charles II. proceeded upon no pious views, or religious zeal for the Church of England, but upon the supposition expressed in the preamble that these meetings were held professedly for religious worship, but in reality for seditious and treasonable purposes. The Act of 1812, somewhat mitigating the rigour of the previous Act, permitted such meetings to be held, provided not more than twenty persons assembled. How slow—how marvellously slow—was the progress of toleration; how very much more rapid was the progress of intolerance. What Lord Bacon said of the difference between purpose and execution applied to persecution and toleration—the one had wings—the other had leaden feet. He would remind the most rev. Prelate who said these Acts were obsolete, and that there was no risk of the attempts which were made in the time of Queen Elizabeth to enforce attendance at church, originally by fines, six years afterwards by forfeiture of goods and lands; and six years later, in the 35th of Elizabeth, this offence led to imprisonment, to banishment, to abjuring the realm on compulsion, and to a capital penalty if the person returned—all merely for conscientiously refusing to attend the parish church. In the early years of the next reign it was found that the penalties were not sufficient, and that the capital penalty could not be enforced, and, therefore, a somewhat mitigated mode was adopted, and it was enacted that persons offending should be disqualified from holding office, could not perform the duty of executors, practise medicine, or, *horresco referens*, practise the law. But these were now obsolete! No such thing. It was not many years since he, in that House, had to complain of one of these Acts being warmed into life by the malice of some, and the co-operative blundering of others, and the consequence was that five or six men lingered in prison for ten or eleven weeks. These men had been charged with poaching before the county magistrates. Mr. Windham used to say that a poacher was regarded by these gentlemen somewhat in the nature of a *fera naturæ*. On that occasion, as they were not able to convict them of poaching, they asked the men whether they had been to church on the preceding Sunday. The men said "No." The Sunday before? "No." Or the two Sundays before that? "Oh, no." If these magistrates had been better acquainted with the law he would have asked whether they had been at the parish church—for if they had not, and had attended even a better church, they would still have been liable to the penalty. However, they brought them in liable for the Elizabeth shilling, as it was called. They fined them the shilling and costs, and in default of payment committed them to prison, where they lay for ten or eleven weeks, until their petition could be presented in their Lordships' House. Now that obnoxious Act was abolished, with a great number of others, by an Act brought in by his noble and learned Friend (Lord Lyndhurst), Lord Chancellor in 1846; but a penalty could still be enforced in cases where persons attended a private meeting for religious worship in number exceeding twenty. So far all Dissenters were on a more favourable footing than Churchmen, because these latter had not those privileges. Was he one of those who thought that the right of private worship should be given to Churchmen without any restriction whatever? He thought it essential to the well-government of the Church and its continued usefulness that that Church should possess larger powers and more efficient means of enforcing discipline among its own members; but with that government and that improvement in discipline, he could conceive no sound reason whatever for Churchmen not being put on the same footing, at least, with Dissenters in this respect, and that they should be allowed to open a chapel and to worship in private houses or a public building without any restraint being imposed upon them. Again, he would say, how slow was the progress of toleration. It was 100 and odd years after the Revolution before any essential mitigation was made in the penal Statutes. The first great step was not taken till 1832, when the Roman Catholics were placed on a footing with the different denominations of Dissenters; and the latest important modification was effected only nine years ago, in 1846, when the Jews were admitted to similar privileges. So much more rapid was the descent, as he must call it, into the regions below, for he would not give them a worse name—those regions where intolerance and persecution prevailed. Day and night there was access to the fiends who there reigned; *sed revocare gradum*—to come to the more pure and more free air of tolerance and charity was a difficulty too widely experienced; and that never was more evident than in the history of the toleration laws beginning in 1688, and leaving many of these obnoxious Acts still unrepealed.

The Earl of DERBY: My Lords, I think I have some right to complain of the tone and the manner in which the noble Earl who followed me in this debate represented the objects of this measure. Because, although the Bill does not go the full extent which he desires (and it is not introduced on my individual responsibility, but on the responsibility of the Committee), still so far as it does go, it deals with the grievances of which the noble Earl complained; and it is not correct to speak of it as though it imposed new restrictions upon those whom it was meant to benefit, or those with whose case it did not deal. With regard to the London Missionary Society, the noble Earl says, if the Bill passes, the consequences to that society would be incredible; they must put an end to all their missionary labours and their efforts to evangelise the neglected poor. My answer to the noble Earl is, that were this Bill to pass into a law, that society and all similar bodies would find themselves on precisely the same footing as they are at the present moment, for there is no imposition of any restriction whatever which does not exist by the law of the land at the present time. I think the noble Earl entirely misrepresented the views and objects of those who have taken part in the framing of this measure. But, after the discussion which has taken place, after the speech of the noble and learned Lord, and after the speech of the most rev. Prelate, and the generally-expressed feeling of the House, that neither of these measures should immediately pass into a law; but especially if this measure does not receive the sanction of the head of that Church, for whose benefit it has been introduced, I think, seeing the period of the Session at which we are arrived, as it would be hopeless to carry it through Parliament during the present Session, I shall act more wisely, both for Churchmen and Dissenters, and in accordance with the feeling of the House, if I abstain from pressing the Bill during this Session. Seeing the difficulties that are found to encompass the question on every side, it is likewise desirable that further time should be given for its consideration; and if both Houses of Parliament address themselves to the subject in an earnest, calm, and dispassionate spirit, I do not despair of the passing of a measure which, while it retains the proper discipline of the Church of England, will at the same time obviate all well-founded complaints. For these reasons I will now ask your Lordships to permit me to withdraw this Bill.

THE EARL OF SHAFTESBURY said, if anything which had fallen from him had given his noble Friend offence, he now made most ample apology to him. But when the noble Earl said that he had misrepresented his views, he must say, that he had no right to complain of misrepresentation in that House, because he (the Earl of Shaftesbury) had not, in the course of his whole life, both in this and the preceding debate, ever heard such misrepresentation of his views and objects with regard to this subject as he had heard on the part of the noble Earl.

THE BISHOP OF OXFORD said, he deeply regretted the tone which the noble Earl who had just sat down had adopted. The noble Earl at the close of his speech in opposition to the Bill entirely misrepresented it from beginning to end. He was sure the noble Earl could not be a stranger to the Christian duty of not speaking on a question like this in a manner likely to excite angry feeling against those who, whether right or wrong, were trying to do their duty to the Church. The most rev. Prelate near him had pointed out to the noble Earl that the reason why the ecclesiastical bench had opposed the Bill of the noble Earl was, that they could not assent to it without violating their consciences, because it involved a violation of one of the Thirty-nine Articles. He deeply lamented the tone which the noble Earl had used. The reiterated insinuations which he made all thorough his speech of base motives on the part of those who opposed his own views were most unworthy of the noble Earl. The attempts, too, which he had made to excite a jealousy of the episcopal bench in the minds of the Dissenters was as adverse as possibly could be to that spirit of the Gospel in which this Bill was so ostentatiously introduced. The grounds upon which the episcopal bench had opposed the noble Earl's Bill had nothing whatever to do with the Dissenters. Their opposition rested on this—that, while a particular mode of ministering God's word was laid down by the Articles of the Church, and while the direct spiritual action of the Church was tied down and fettered by the law, the noble Earl's Bill called on them to alter the state of the law with regard to the Church, without conferring on her power to enforce her discipline in a different way. He could not understand by what perversion of ingenuity the noble Earl had discovered anything in the Bill now before the House (the Earl of Derby's) which was to give greater power to the bishops over the clergy than they at present possessed. The licensed clergy were not at all affected by the Bill, and, as the power of the bishops over the unlicensed clergy was at present absolute, it could not receive any addition from this Bill. What the Bill really proposed to do was to enable the Church to take advantage of the zeal of her laymen, and to give a legal status and sanction to those of the laity who undertook to labour in conjunction with the clergy. When the noble Earl talked of there being thousands in the metropolis in a greater state of ignorance than the natives of the interior of Africa, and that no one but persons connected with the City Mission looked after them, he used exaggerated language, and was unjust to many a hard-working clergyman in London. He thought that the provision in the old Act which the noble Earl wished to do away with, was altogether bad, and was a wrong way of maintaining discipline in the Church. It was the misfortune of the Church established by law to be tied up in its attempts to do good, but it was not by simply repealing Acts which were the remaining rags of restriction that good was to be done—it was by giving the Church at the same time the power of doing the same thing in a legitimate manner—he meant by giving her the power to recognise the services of her laymen. He wanted the Church to get the power of using the devotional feelings of many of her lay members in a proper and accredited way, assisted by the clergy. That was what he wanted, and if the noble Earl had introduced any provision into his Bill for enabling the Church to meet the altered circumstances of the times, he should gladly have supported it. If this matter should be brought forward again, he trusted it would be discussed without any insinuations or attacks on individuals who were only doing their duty to their God, their country, and their Church, for words uttered in that House were taken up by unscrupulous partisans out of it, and a right rev. Prelate had informed him of some misrepresentation having appeared in *The Record*, the editor of which declined to put in a contradiction. When the noble Earl became aware that this was the kind of treatment which the bishops on these benches were receiving, he ought, when he came forward in the name of a Christian Church and of a work of charity, to keep his tongue free from uncharitable imputations, which others would be too ready to adopt.

The Bishop of LONDON admitted that it was perfectly true that when the London Mission Society was first established he objected to the principle of obtruding men on parishes without the consent of the incumbents; but, having since learned that the members of that society had acquired the favourable opinion of many clergymen, he had abstained from any expression of hostility towards them.

Earl GRANVILLE: I wish to say one word with respect to what has fallen from the right rev. Prelate who spoke last but one (the Bishop of Oxford). I cannot admit the justice of what he has stated with respect to a misrepresentation of the noble Earl opposite as to the character of the Bill. My own opinion is strongly this, that while that Bill professes to deal with the proviso intended to impose political and not religious restrictions on Dissenters, it imposes religious restrictions on Dissenters directly, and also indirectly and by a side wind restrictions on the religious liberty of the members of the Church of England. I think, too, that any person will see, on reflection, that the Bill does not in the slightest degree remove the evil of which complaint is made; while, by re-enacting a portion of the enactments of the law described by some of the right rev. Prelates as useful, because it is not quite obsolete, it gives very great life and vigour to those remaining enactments. I do not wish to continue the debate on a Bill which will now be only a few moments before your Lordships, because the discussion appears to create a great deal of irritation, and has now become unnecessary on account of the withdrawal of the Bill.

Then the said Amendment, together with the original Motion, were, by leave of the House, *withdrawn;* then, the said Bill was, by leave of the House, *withdrawn.*

FRIENDLY SOCIETIES BILL.

On the Question that this Bill be read a Third Time with the Amendments,

Lord MONTEAGLE expressed the satisfaction he felt at the alteration which had been made in that part of the Bill affecting the payment of funeral money for children, considering the horror and dismay which a few years ago had been created throughout the country in consequence of the inhuman crimes that were committed for the sake of such payments. The Bill, as now altered, would go down to the House of Commons with the full sanction of all the legal authorities in their Lordships' House, and it was of importance to know that in the change which had been made no reflection was cast upon any particular class of people in this country.

Lord CAMPBELL was highly gratified at the alteration which had been made in the Bill. It was impossible to forget the horror which a few years ago seized the country, when it was proved to the satisfaction of Judges and juries that there were wretches who put children to death for the sake of the money that was paid by societies for their interment. He believed the clause in the present Bill relating to such transactions was framed more skilfully, and would operate more effectually than the clause in the former Friendly Societies Act.

The LORD CHANCELLOR hoped the clause would be attended with the most salutary effects, and observed that it would be a great mistake to suppose that it was a restriction upon any particular class of the community.

Lord PORTMAN thought it was but just to his hon. Friend who had carried the Bill through the other House of Parliament, to say that he had not neglected this important point. There was a clause in the Bill regulating payments on the death of a child, but it was not thought sufficient to insure the safety of the children of all classes of the community; and, accordingly, the alteration referred to had taken place, an alteration which he hoped would operate most beneficially.

Bill read 3ª, with Amendments; further Amendments made; Bill *passed*, and sent to the Commons.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 6, 1855.

Minutes.] New Writs.—For Cheltenham, *v.* Hon. Craven Fitzhardinge Berkeley, deceased; for Evesham, *v.* Charles Lennox Grenville Berkeley, esq., Steward of Chiltern Hundreds.

Public Bills.—1° Income Tax Elective Franchise; Stage Carriage Duties, &c.

3° Bills of Lading (No. 2); Endowed Schools (Ireland); West India Relief Loans Arrangement.

COMMISSIONS IN THE ENGINEERS AND ARTILLERY—QUESTION.

Mr. PERCY asked the Secretary of the Ordnance whether it was true that a circular was sent in February last by Sir Hew Ross to the head masters of some of the principal schools, inviting them to send up the names of some of their pupils for the Royal Engineers or Artillery, and promising that thirty commissions should be distributed among them? Whether the names of forty pupils were not sent up accordingly, on the faith of that promise; and whether, notwithstanding that promise, the forty pupils so sent up from schools are to be subjected to competition with the 300 or 400 persons from seventeen to twenty-one years of age, who by open competitive examination, are to be selected according to the arrangement contained in the advertisement dated the 11th day of June, 1855, and signed by the Secretary of the Ordnance?

Mr. MONSELL said, when it was determined to appoint certain young gentlemen of greater age than those generally appointed to the army, Sir Hew Ross directed letters to be sent to the public schools, to say that such arrangements were in contemplation, and to ask if they would assist. Altogether seventy were nominated, between eighteen and nineteen years of age, and of these seventy, thirty were at present in the practical class at Woolwich, and had been so for three or four months, and, if they passed their examinations, would receive their commissions. Of the remaining forty, only nine were from public schools; the others were selected by patronage. When Lord Panmure took charge of the Ordnance Department, and found that this arrangement subsisted, he considered that very great injury might accrue to the Artillery and Engineers if forty young men of inferior attainments, as a class, to those who generally received commissions were to be grouped together at one period, and in one place, and he therefore determined to open the examination to public competition; but at the same time it was determined to give directions to the examiners who presided at that public competition that they were to take special note with regard to the forty young men to whom these expectations were held out, and in the event of any of them not being successful in obtaining the cadetship, but who nevertheless showed a fair amount of ability, so as to make it probable that they might make good officers, it was the intention of Lord Panmure to consider their cases.

Colonel DUNNE asked whether those persons so selected, and especially those selected by patronage, were to be subjected to as severe an examination as was ordinarily required at Woolwich?

Mr. MONSELL: I should say rather more severe.

VOLUNTEERS FOR THE CRIMEA FROM THE IRREGULAR CAVALRY IN INDIA —QUESTION.

Sir ERSKINE PERRY asked the President of the Board of Control, whether accounts have been received at the India House that the Guzerat Irregular Horse, the Nizam's Irregular Cavalry, and some regiments of Bengal Irregular Cavalry, have volunteered for the Crimea; and whether he can inform the House what is the total amount of Irregular Cavalry that has so volunteered?

Mr. VERNON SMITH said, in 1854 the Native officers in the Guzerat army volunteered to take part against Persia, when a war between that country and England seemed to impend; but no such war having taken place, they subsequently offered their services in the Crimea. There was also an offer of service from the Bengal Irregular Cavalry. No offers had been made from the Nizam's Irregular Cavalry; but the offers which had been made from the four regiments of Bengal Irregular Cavalry amounted to 2,000 men. The spirit of these officers was highly to be praised; but it had not yet been determined by the Government to accept their services, the subject involving political and economical consideration, of which his hon. Friend was aware.

SARDINIA AND THE HOLY SEE—QUESTION.

MR. BOWYER asked whether Her Majesty's Government would lay before the House, in continuation of former returns, papers showing the relations of the kingdom of Sardinia with the Holy See up to the present time.

VISCOUNT PALMERSTON said, such papers as were asked for would not be papers in continuation of those already laid upon the table. The papers referred to related to the regulations observed by different countries with regard to the admission of bulls and official communications with the Holy See, and were obtained by correspondence with different foreign Governments. Those asked for were papers which had passed between the Government of Sardinia and the Holy See, with regard to transactions passing in the kingdom of Sardinia, and in respect to which Her Majesty's Government had no right to interfere. They had no official cognizance of them, and therefore it was quite impossible to comply with the request of the hon. Member.

THE LATE DISTURBANCES IN HYDE PARK — COMMISSION OF INQUIRY — QUESTION.

SIR JOHN SHELLEY: I beg to ask the Secretary of State for the Home Department whether, after the allegations contained in the petitions presented to this House in reference to the conduct of the police on Sunday last, it is the intention of Her Majesty's Government to institute a searching inquiry?

SIR GEORGE GREY: I stated yesterday that where any specific case of alleged misconduct on the part of the police was brought under my notice I should feel it my duty to institute a strict and searching inquiry into such charge. I am not, however, prepared to say that the petitions presented yesterday—which I have had no opportunity of looking into—afford sufficient grounds for inquiry. I have received a large number of representations on the subject from persons wholly unknown to me—some stating that they did see acts of unnecessary violence on the part of the police, and others stating that, considering the circumstances in which the police were placed, they were perfectly ready to come forward and testify their opinion that the conduct of the police was marked by moderation and forbearance. I do not think the statements of persons avowedly mixed up in the proceedings of Sunday last should be taken as conclusive evidence of the misconduct of the police, and I am anxious not to say or admit anything which would bear that inference. I am also anxious to call attention to the great facilities afforded individuals who have complaints to make against the police, either for assaults or improper violence in the discharge of their duty. In addition to the ordinary law, by which policemen charged with assaults can be dealt with as any private individual, by summary conviction before a magistrate on sufficient evidence, they are liable to action for damages, to immediate dismissal by the police commissioners, and by the 2nd & 3rd *Vic.*, c. 47, to a penalty of 2*l.*, or imprisonment for two months (to which other persons are not liable) inflicted, not by the police Commissioners, but by the ordinary police magistrates, for unnecessarily inflicting injury on any person while in discharge of their duty. There are ample means of identifying a policeman, by the marks on his dress; when complaints are made, they are impartially inquired into, and the punishment is beyond that which can be inflicted on other persons. With regard to the general allegations which have been made, provided it does not imply any condemnation or preconceived judgment against the police—which, I am bound to say, information I have received leads me to believe would be most unmerited—I have not not the slightest objection to have those allegations submitted to a searching investigation.

MR. T. DUNCOMBE: In order that I may not be out of order in making a few observations, I will move that the House, at its rising, do adjourn to Monday next. The right hon. Gentleman says there are plenty of facilities afforded for the identification of peccant policemen by the number and letter upon their coats. Now, I will venture to say that if any of those unoffending persons who complain had done so on Sunday last they could not have offered a stronger invitation to the police to break their heads than by taking down names and numbers. The right hon. Gentleman says he will institute an inquiry into any case which may be really brought home to the police. We do not want that inquiry. The people do not want an inquiry instituted between the Home Office and the Police Commissioners. They want a public inquiry—an inquiry to which the public shall be admitted, and not merely a report to be laid upon the table of the House founded upon the answers given by the police officers to inquiries from the Home Office. The public must be admitted to the examination, and be permitted to give evidence of what they saw on the occasion. What I would suggest is this—if the Government assent to the Committee which I suggested yesterday, I will move for it without saying a word, and the Government shall appoint any ten or eleven gentlemen they think proper, the House, of course, seeing that they shall be such as are likely to be impartial and unbiassed. I had intended to move for such a Committee upon the Motion of going into Supply; but I find there are fifteen or twenty notices already on the paper to be made upon the Motion for going into Supply. I know that that is a very disadvantageous occasion for making a Motion of this kind, and many hon. Gentlemen would say, "You are interfering with the course of public business; we would be glad to divide with you but for that." If the Government will not consent to do this, I would then suggest that the Crown should issue a Commission to inquire into the conduct of the police on Sunday last. Let the Government appoint three or five gentlemen connected with Parliament, if they think proper, and I shall be satisfied. The last time the right hon. Gentleman was a Member of the Government I unfortunately came once or twice into collision with him upon some charges I made against some public authorities connected with Woolwich and other places. The charges were disputed —my statements were sent down to the authorities accused—of course they denied them. We persevered, and at last we got a public inquiry through a Commission, upon which, among others, I believe, was the noble Lord the Member for Totness (Lord Seymour). That inquiry was perfectly satisfactory to me, and to all those who had made the charges. Now, let the right hon. Gentleman appoint a Commission to inquire into the conduct of the police. Let that Commission have full powers, as we say, to send for persons, papers, and records. Let the people who complain appear either in person or by Counsel, and, I will venture to say, every one of the statements which have been made—all the allegations contained in the petitions which have been presented—will be fully substantiated before such Commission. But no inquiry of the sort which the right hon. Gentleman proposes will be satisfactory to the people, or meet the requirements of the case; it would be nothing but a mockery of an inquiry—a burlesque and farce. The right hon. Baronet, the other night, said, in answer to a question from me, that certain soldiers—some of the Guards—had been mixed up in the crowd in the park, and a picket was sent for from the barracks to fetch them in, and that the commandant, I think he called him, thanked the police for their conduct in giving information which enabled him to send for those men. Now, I understand that that commanding officer was nothing more than the sergeant in charge of the barrack-yard. Is that so? [Sir G. GREY: He was also commanding in the barrack at the time.] Well, when the word "commandant," or "commanding officer," is used, nobody would suppose a non-commissioned officer was meant. At least it was not so when I had the honour to hold a commission in the Guards. When the soldiers were all fetched in the sergeant and the head policeman got upon good terms with each other, and shook hands together, and no doubt arranged the affair comfortably among themselves as to what was to be done with the soldiers. I want to know what offence these soldiers were guilty of? What has become of the charges against them? If those soldiers were guilty of any civil offence they ought to be tried by a civil tribunal. Whether a man wears a red coat or a fustain jacket, if he commits a civil offence he ought to be tried by a civil tribunal. You have no business to send a man to barracks and shut him up there for what he did in the park. The only offence those men were guilty of was in crying "Shame" on the police, for their cowardly and brutal conduct to women and children. Are you punishing these men by martial law, confining them in the black-hole of the barrack, for that conduct? I repeat, if the right hon. Baronet will only appoint a Commission to inquire into these grievances, I believe it will be perfectly satisfactory. If he will make that statement now, I am quite satisfied we shall hear no more of disturbances, unless the police themselves make them, on Sunday next. To be sure, though, even the Church can't let the people alone. I find there has been a letter written to *The Times* by the senior curate of St. Botolph, Aldgate, which I really must read to the House, that it may see how the people are libelled. If this letter be true, then the metropolis is in a most dangerous state. He says, of course, he is sorry for the Sunday Trading Bill, and then goes on to talk about Houndsditch, the favourite haunt of the hon. Member for Dorsetshire (Mr. Ker Seymer). The writer says—

> "In the heart of London, on every successive Sunday in the year, in various streets, alleys, and courts to the north of Houndsditch, and therefore in my own immediate neighbourhood, are congregated upwards of 15,000 persons, engaged in traffic of various kinds, and constituting what is called the 'City Exchange Fairs.' The trade is carried on principally in Cutler Street, Phil's Buildings, City Exchange, Exhibition Mart, Harrow Alley, and Petticoat Lane, places notorious in the annals of crime for outrages and abominations of all descriptions. The articles offered for sale consist, for the most part, of wearing apparel and jewellery, and the fair lasts for the greater portion of the day. I speak from personal observation and inspection, and hesitate not to characterise the place as one of the very foulest sinks of profligacy and crime to be found within the length and breadth of London."

This is a minister of the Gospel, a minister of peace, who is speaking of his own parishioners—

> "Of the 15,000 individuals there assembled some are Jews of the lowest grade, but the great majority are nominally Christians, uniting together in forming a multitude of the most ignorant, lawless, brutal, and degraded ruffians that the metropolis can furnish. In this vile haunt crimes are both plotted and perpetrated; for in a spot at the entrance to Harrow Alley I was myself informed on the occasion of one of my visits, by one of our excellent police, that of all the males there congregated, of various ages, and to the number of several hundreds, every individual had been a convicted felon. Stolen property is here disposed of to any extent, 'and no questions asked;' and an inducement is thereby held out to thieves from every quarter to bring hither the results of their crimes, assured of their immediate and safe disposal. I could furnish you with many details of this den of horrors."

This is addressed to the Editor of *The Times* newspaper, and I am really surprised that respectable journal admitted such a letter into its columns—

> "But I will content myself with affirming, that if there be an epithet in the English tongue more descriptive than another of a place reeking with blasphemy, clamour, and obscenity, and of a loathsome assemblage stained with every vice named or nameless, I would select and apply it to this foulest of foul scenes and filthiest of filthy multitudes."

Mr. T. Duncombe

Many of these people, no doubt, were among those who assembled in Hyde Park on Sunday last, and who propose to visit it again. If, then, of the class which this clergyman, this rev. Mr. Hugo, the senior curate of St. Botolph, describes,—I say, if 100,000 of these people are to be assembled in the park, property at this end of the town will be in considerable danger on Sunday next. They say they certainly do mean to come and see what is going on at the West End on Sunday next. I believe they would have been peaceable if the police had let them alone last Sunday. Some friends of mine heard some of these people saying, "This is a pleasant place, this Hyde Park; we had no idea there was such a fine place. We have nothing like it in Poplar or Whitechapel—Victoria Park is nothing to it—we shall come here again." Soon after that the police suddenly and brutally attacked them, and all these poor people were driven away although they were quite harmless. Now, if they do come again, and be attacked, I am informed they will come provided with means of self-defence. [*Cries of* "Oh!"] I don't doubt that they will come armed. But I am at the same time satisfied that if the people understand that there will be a full and fair inquiry into the conduct of the police we shall hear no more of these disturbances. I think there can be no better tribunal for inquiring into the wrongs of the people than a Committee of their representatives, but it would be almost a mockery at the end of the Session to appoint such a Committee. At all events the people will not be satisfied without a full inquiry, and they certainly will not be content with an inquiry made by the Home Office, which would enable the police to concoct their own evidence and make out their own case. I therefore propose that a Commission should be appointed to institute a full inquiry into the conduct of the police during the last two Sundays, and, whatever may be the report of that Commission, I believe the public generally will be satisfied.

SIR GEORGE GREY said, that if they were to appoint a Commission to inquire into the proceedings of the police in Hyde Park on Sunday last, they ought to abstain from making statements calculated to prejudice that inquiry. He had proposed no formal inquiry, but a full and searching inquiry into the allegations that had been made to him with regard to the conduct of the police last Sunday. The hon. Member had stated that he would not be satisfied with the inquiry which he had promised, because it would be merely an affair between the Home Office and the police. He (Sir G. Grey) had, however, stated clearly and distinctly that a full and searching inquiry should be instituted into the proceedings in Hyde Park on Sunday last, including the conduct of the police. Such a mode of inquiry as that which the hon. Member had assumed this would be—namely, an inquiry between the Home Office and the police, had never entered into his (Sir G. Grey's) contemplation when he stated that an inquiry should be made. The hon. Member had stated that on former occasions, when he had brought forward charges against certain proceedings at Woolwich and other places, he (Sir G. Grey) had caused an inquiry to be made by means of a Commission, and he said that the result of that inquiry had been satisfactory. What right, then, had he to assume that in the present instance the inquiry would be less searching or less satisfactory? He agreed with the hon. Member, that at this period of the Session an inquiry by a Committee of the House of Commons would not be the most efficient mode of proceeding. He pledged himself, however, that the inquiry which he would institute should be conducted in a manner satisfactory to the House and to the public. He was not then prepared to state to whom the inquiry would be entrusted; but the form of the inquiry, together with the persons entrusted with it, should be communicated to the House, and he pledged himself that the inquiry should be as satisfactory and complete as he had described it. The hon. Member had made a statement with respect to the soldiers mixed up with the crowd, and had assumed that these soldiers were improperly sent by the police in charge of a picket from the barracks, and that the police-sergeant and the sergeant in command of the barracks being upon intimate terms, had arranged the proceedings among themselves, by which the soldiers had been unjustly subjected to punishment. He had been informed that these soldiers had mingled with the crowd, taking part in some of the proceedings there going on, and that the police, instead of placing themselves in collision with the soldiers, sent to the barracks and informed the officer in command of their conduct; a picket was sent and the soldiers transferred to the military authorities, according to the usual custom in such cases. The hon. Member for Finsbury had stated that it was only a sergeant in charge of the barracks at the time. He had been assured that it was an adjutant, and not a sergeant. At all events, it was a commanding officer, and he (Sir G. Grey) was informed that he had thanked the police for the manner in which they had acted by bringing the men under military authority. The hon. Member had also read a letter which had appeared in *The Times* newspaper, which he (Sir G. Grey) thought had better have been consigned to oblivion; for the hon. Member also stated that the people to whom that letter referred would come from the east end of London next Sunday to enjoy themselves. They had a perfect right to do so. They had a right to be there and to enjoy themselves quietly; and while they did so, they would find the police ready to protect them in their enjoyment. But if they came with arms in their hands, or with weapons which showed an intention to create disorder, or commit crime, they would find the police firmly determined, in spite of all allegations made against them, to discharge their duty for the protection of the public, and the protection of property, and that no intimidation would detain them from the performance of their duty.

MR. T. DUNCOMBE said, the right hon. Gentleman had put words in his mouth which he never used. He had stated that he said that the police, and the sergeant, and the commanding officer in charge of the barracks arranged how those soldiers taken in Hyde Park should be punished. He never said anything of the sort. He merely asked whether the matter had been hushed up, or whether it was to be referred to a civil tribunal. He was of opinion that it ought to be referred to a civil tribunal. The right hon. Baronet had said that he was satisfied with the inquiry on a former occasion, in respect to Woolwich. He certainly was perfectly satisfied with the subsequent inquiry, but he was not at all satisfied with the previous inquiry into that matter.

COLONEL LINDSAY said, that the hon. Gentleman the Member for Finsbury had alluded to the conduct of some commissioned officer or non-commissioned officer; the fact was, that at the Magazine barracks in Hyde Park there was no accommodation for an officer, and no officer resided there. It was at all times under the command of a sergeant. With regard to the question between the soldiers and the police, the general instructions are that the soldiers are at all times to obey the police. The consequence was that the police were obeyed by the soldiers in the same manner as non-commissioned officers were. If the soldier disobeyed the police, a message was sent to the military authority, and the soldier was taken in charge. Such, he supposed, was the case on the occasion of last Sunday. At all events, the officers are extremely obliged at having soldiers who may have committed themselves given over to the military authorities, rather than that they should, for slight offences, be brought up to the police-court. He hoped this explanation would be satisfactory to the House, as far as the soldiers were concerned. There was one remark he wished to make, and that was, that an old soldier would always get out of a crowd as fast as he could. At the present moment unfortunately they had no old soldiers, but, although they were all young men, he never knew a body of men more exemplary in their conduct than those now constituting our force in London.

Mr. W. J. FOX said, there was no complaint against the soldiers for their conduct. On the contrary, their conduct generally has been such as to have earned the commendation of all persons. When the right hon. Baronet the Secretary of State for the Home Department had stated the nature of the inquiry which he was about to institute, he (Mr. Fox) thought he could undertake to furnish that tribunal with several respectable names of parties who had witnessed gross atrocities in Hyde Park on Sunday last—such, for instance, as striking unoffending old men while quietly walking, striking women and children, and cases of this kind. One gentleman who had written to him was a clergyman, who stated that he was walking by accident that way, and was attracted by the crowd to see what was going on. He saw a policeman with great and unprovoked fury striking in every direction. He addressed himself to the policeman; but such was his threatening attitude and motions towards the writer, that he thought it much better to reserve his condemnation of the act till a future occasion, and retire from the scene as quickly as possible. His earnest wish was that such an examination would be instituted as would quiet the minds of the people, and restore a good understanding between the population generally and the police. He had received a communication from the proprietor of the "thieves' exchange" referred to by the hon. Member for Dorsetshire. In that communication were stated the names of the principal houses in the metropolis who had dealings with that establishment, and explaining also the reason why things there were so much cheaper than in most other places. He hoped the inquiry instituted would be such as to bring about a good feeling between the people and the police.

Mr. KER SEYMER said, the statements which he had made with respect to what took place at Houndsditch on a Sunday had not been contradicted by any person; on the contrary, it had been corroborated by every statement which was made. He would also take that opportunity of repeating that, whatever might be thought of the place, there could be no doubt whatever the existence of this Houndsditch establishment was a disgrace to the metropolis. He thought it very inconvenient to go into matters in that House which were to be the subjects of inquiry, before the appointment of that inquiry. He could assure the House that if it were disposed to go into the matter he could say something on the other side of the question; and from what he saw on Sunday last he could have no hesitation in stating that the police were not the only parties who were guilty of brutal and cowardly conduct towards women and children.

Mr. BOWYER: The right hon. Baronet has stated that the police judiciously avoided coming into collision with the soldiers. I was present, and saw the transaction in question, and I can inform the right hon. Baronet that two soldiers were seized by the police and dragged about so violently by them that the people cried "Shame!" I saw that myself, and was indignant at the manner in which the soldiers were treated. We are bound to believe, after the statement of the right hon. Baronet that the inquiry will be both searching and fair; but I ask would there have been such an inquiry if the hon. Member for Finsbury had not brought forward this question? I will tell the House what is the course which is usual at the Home Office when complaints of this sort are made. The Home Secretary institutes what he calls an inquiry—that is to say, he asks the police what their statement is. Then, having done that, he believes the police, and he does not believe other parties. I do not say that the right hon. Gentleman does that from an improper motive. It is natural for official people to back up the police, and that is what the right hon. Gentleman would have done if the question had not been perseveringly brought forward by the hon. Member for Finsbury.

MR. BENTINCK: I agree with what I believe to be the general feeling of the House, that it is extremely undesirable that we should proceed to offer statements and counter-statements upon a question which has not yet been investigated. I cannot help saying, however, that nothing, in my opinion, could be more unfortunate than the course which has been taken by my hon. Friend the Member for Finsbury. He professes the greatest anxiety that there should be no disturbance or breach of the peace in consequence of any ill feeling on account of what has taken place; but I think that it would have been very difficult for my hon. Friend to concoct a speech which should be more calculated to inflame the passions and to excite the irritable feelings of people out of doors than the speech which he has delivered this evening. My hon. Friend first tells the people that they have been brutally ill-treated by the police; and then he informs them that they need expect no satisfaction from the Home Office. After the statement of the Secretary of State for the Home Department, that he will afford the fullest inquiry into the subject, I am sure there is no man in the House who doubts for a moment that the inquiry is intended to be full and ample. If, after this discussion, there should be a disturbance next Sunday, in consequence of what occurred last Sunday and of what has taken place in the House to-day, I am bound to say that I think that disturbance will be attributable, not to the conduct of the Secretary of State for the Home Department, but to the very ill-advised remarks which have been made to-night by my hon. Friend the Member for Finsbury.

MR. G. DUNDAS: I am very glad that the hon. Gentleman who has just sat down has brought back the attention of the House to the subject which was first raised by the hon. Member for Westminster, because I am anxious to say a word upon the conduct of the police on Sunday last, against whom there seems to be a set made by gentlemen who in a manner assume to be, in a peculiar degree, the friends of the people. I happened to be in Hyde Park on Sunday last, and I must say that I never saw greater forbearance and moderation exhibited upon any occasion than was then exhibited by the police. The mob consisted in a great measure of boys and young men under twenty; and I ask you to fancy to yourself, Sir, a mob of such a character leaning over the iron railings, and screeching and hallooing at every carriage that passed, and evincing the most intense delight when their hallooings frightened the horses of a carriage and endangered the lives of those who happened to be in it. I saw the police attempt to drive back that *canaille* from the rails. They did it with the utmost moderation. No doubt they hit some of them; but the rascally boys deserved much greater punishment than any that was inflicted upon them. I also saw a man get his face cut open, and much he was making of it; but we all know how small a blow will bring blood, and how little blood will make a great show. I do not pretend, Sir, to have much experience in the forms of this House; but I extremely regret that such a demonstration as that of last Sunday should have induced the noble Lord the Member for Middlesex (Lord R. Grosvenor) to withdraw his Bill. I hardly think that it was a very dignified proceeding on the part of this House to yield to that popular clamour. So, we are threatened with another demonstration next Sunday, and men are to go armed in order to defy the authority of the police! I hope that the right hon. Baronet will take efficient means to prevent any such ebullition. I may remind the right hon. Baronet that prevention is better than cure; I will go further, and say that nothing will frighten a mob more than the crash upon the pavement of the trail of a 6-pounder. [*Cries of* "Oh!" *and some sensation.*]

MR. W. WILLIAMS said, the public were under great obligations to his hon. Friend the Member for Finsbury, for bringing forward the subject; and for having obtained from the right hon. Gentleman the promise that a full and searching inquiry would be instituted. He believed that that assurance would be the means of preventing any further disturbance. The people of this country were anxious for upholding the laws and the preservation of the peace; and any occurrence was to be deprecated that irritated them with their own servants—for the police were paid, not by the Government but by those very people—by the ratepayers of the metropolis. They were the servants of the ratepayers, for the purpose of preserving, and not committing a breach of, the peace. He was convinced, from the statements he had heard, that, when an inquiry took place, it would be found that the conduct of the police had been perfectly unjustifiable; and he hoped that the right hon. Baronet would cause such an inquiry to be made as would be the means of allaying the irritation now felt by the whole population of the metropolis, and pretty nearly by all classes, against the police. It was of great importance that the great body of the people should have confidence in the Government; and that when any attempt at a breach of the peace was made by the police especially, the Government should institute a rigid inquiry into the cause of it. He thanked the hon. Member for having brought forward this question, and hoped that it would lead to a settlement of the matter.

INCOME-TAX—THE OFFICERS SERVING IN THE CRIMEA.

Mr. H. BAILLIE: I wish to take this opportunity of directing the attention of the noble Lord at the head of the Government to a grievance of which I believe the officers now serving in the Crimea have just reason to complain. It is that those who are now pouring out their blood and sacrificing their lives to maintain the honour and glory of the country are also called upon to sacrifice their pay, and are compelled, in the shape of income-tax, to contribute to the expenses of the war. It is very well for us who are at home to contribute to those expenses; but those who are suffering all the evils that such a war of necessity entails, are, I think, entitled to our consideration, because I look upon it as a positive injustice to subject them to a pecuniary loss. This tax falls with peculiar severity upon a deserving class of young officers who, having no private fortune, enter the army really as a profession; and it is the more unjust to them, since officers who embark for India are relieved from the payment of the tax. Officers in India, moreover, receive much higher pay than others. I will call the attention of the House to the case of two regiments, the 10th Hussars and the 14th Light Dragoons, which have just been sent from India to the Crimea. The moment that those regiments land in the Crimea the officers will lose half their pay, and they will be subjected to income-tax upon the remainder. That is not a way in which we should reward officers who are engaged in a most difficult service, from which, perhaps, more than half of them may never return.

Mr. W. S. KNOX: May I also ask the noble Lord a question about the shilling a day which is stated to have been promised in another place to the soldiers in the Crimea? I understand that there has been some mistake upon the subject. Will the noble Lord therefore explain what extra pay is to be given to the soldier, and whether it is also to be allowed to those who have returned from the Crimea, and who have been in all the battles?

Viscount PALMERSTON: In reply to the question of the hon. Member for Inverness-shire, I have to say that the income tax, as it is well known, is by law imposed upon all payments made to public servants, and, therefore, it applies by law to all officers, whether serving at home or abroad, subject to those variations only which depend on the amount of their incomes, whether above or under 100*l.* It is true, as the hon. Gentleman stated, that the officers of the British regiments serving in the East Indies do not pay the income tax; but the reason, as he must know, is, that those regiments are not paid by the Government; they are transferred to the service of the East India Company, and are paid out of the revenues of that company, and, of course, the Act imposing the income tax does not apply to their salaries. But those officers who are on leave, or on service at home, receiving their pay from the Government, to be reimbursed by the East India Company, are subject to the tax. With respect to the ground on which the hon. Member thinks that officers serving in the Crimea ought to be exempted, I would remind him that officers upon active service have a daily allowance, called field allowance, in addition to their pay, which is more than they would gain by the remission of the income tax. That brings me to the question put by the hon. Member (Mr. Knox) who wished to know what has been done in pursuance of the announcement made by Lord Panmure in another place. The arrangement intended is this—officers on service now receive a daily allowance, under the denomination of field allowance, to meet the additional expenses of the campaign. It is proposed to extend to the private an allowance of the same kind, and that allowance will be an allowance of 6*d.* a day, which will be accounted for to the man in the same manner as his pay, with an arrangement which will give him the same means of transmitting any portion of his pay and allowance which he may please to his friends and family at home. He will, therefore, be placed on the same footing as the navy is placed with regard to the facilities of home transmission. That field allowance will give him the means of obtaining those comforts which are requisite in the position in which he is placed; and on the other hand he will be enabled to make more easy remittances to his friends while he is employed abroad.

COLONEL KNOX, in reference to the statement of the noble Lord the Minister for War in the other House, that the soldiers in the Crimea were to have double pay from the time they landed there, said that considerable misconception existed on the subject, and he was glad to hear it stated that the increase of pay was to be given in the shape of field allowances. He did not think the object of increasing the number of men in the army would be attained if the additional pay were given only to regiments serving in the Crimea. Every man would be wanting to serve in the Crimea, and, as that was impossible, it would be a great hardship upon regiments serving in India, America, or the West Indies, for them to receive only 1*s.* while other regiments were receiving 2*s.* or 1*s.* 6*d.* a day. He thought the plan of field allowances infinitely better, and he trusted the Government would take into consideration the granting of those allowances from the time the men first landed in the Crimea. He also submitted that the deductions for income-tax from the pay of officers could be surrendered without danger to the revenue, while it would give great satisfaction to the officers of the army, and benefit them very materially.

THE DEBATE ON THE HYDE PARK DISTURBANCES—NOTICE OF THE WORDS OF AN HON. MEMBER.

MR. ROEBUCK: Sir, I rise to speak on a very serious matter. Words have been used in this House which ought not to be used by English Gentlemen in the House of Commons. The hon. Gentleman the Member for Linlithgowshire (Mr. G. Dundas) has recommended to the Secretary of State for the Home Department to use a 6-pounder against the people.

MR. G. DUNDAS: All that I meant to imply was that the right hon. Gentleman should have a military force in attendance.

MR. ROEBUCK: Then, Sir, I suppose the hon. Member will apologise for his words.

MR. SPEAKER: The rule of the House with regard to words spoken by any hon. Member to which exception is taken is, that the exception must be taken immediately. Since the hon. Member has spoken another hon. Member has addressed the House; therefore, no exception can now be taken to the words used, whatever they may have been.

MR. ROEBUCK: I rose immediately after the hon. Gentleman to make that Motion, but I was interrupted. You happened to see my hon. Friend the Member for Lambeth, and, being unwilling to press myself on the attention of the House, I yielded; but I rose for the purpose of moving that the hon. Member's words should be taken down. I think that no man who feels as an Englishman and a Gentleman in this House ought to have used such expressions concerning the people of this country as were used by the hon. Member for Linlithgowshire. First of all, the hon. Gentleman called them *canaille;* then he took exception to their intense expression of enjoyment; and, thirdly, he recommended the right hon. Gentleman to use a 6-pounder against them. I say that such conduct is unworthy of an English Gentleman. I may use strong language, but it is not stronger than the occasion justifies. Sir, the people of this metropolis deem themselves unjustly treated. I am not one of those who think that the noble Lord the Member for Middlesex did wisely in yielding to the clamour of last Sunday, and I was the only one who took notice of the want of wisdom in yielding to that clamour; therefore, I cannot be charged with being a friend to a course of conduct which would have the effect of giving way to popular clamour. It is, however, a very different thing to recommend to the right hon. Gentleman to use a 6-pounder. It is all very well to say that he did not intend such a construction to be put upon his words; but I suppose that the hon. Gentleman has reached the years of discretion, and knows the force of language, though, judging from that language, it would not seem that he has. Such language, however, was used; it has but one signification, and that signification was unworthy of this House, and unworthy of the party who used it. However, as you, Sir, have decided that the words cannot now be taken down, I will not press the matter further.

Afterwards—

Mr. G. DUNDAS: Sir, a few moments ago I was betrayed into the use of an expression to which a meaning different from that which was in my mind has been attached, and therefore I regret having made use of it. I can only say that I throw myself upon the indulgence of the House. All that I meant to say was, that I hoped the right hon. Gentleman the Secretary of State for the Home Department would not spare any efforts to maintain peace and order next Sunday.

STEAM POSTAL COMMUNICATION WITH AUSTRALIA—QUESTION.

Sir JOHN PAKINGTON asked the Secretary of State for the Colonies whether he had received copies of a circular of the Governors of the Australian Colonies, containing the description of a plan for the establishment of regular steam postal communications with these Colonies?

Lord JOHN RUSSELL replied that the Treasury had under their control and management the mails for Australia, and that his hon. Friend the Secretary for the Treasury would state what arrangements were in operation or in contemplation.

Mr. WILSON said, that the arrangement made for the conveyance of the mails to Australia by the Cape of Good Hope had been abandoned. But with regard to the contract for communicating every two months by way of India, that contract was not abandoned, but only suspended, in consequence of the number of ships belonging to the Peninsular and Oriental Company employed by the Government in the conveyance of troops to the Black Sea, and which the Company had been unable to replace on the packet service. However, a proposal had been made by the Admiralty, at the request of the Treasury, to the Peninsular and Oriental Company, to make an offer to the Government for the purpose of carrying the mails every month by way of India, but as yet no answer had been received, the Company having to wait for some information from the East that might regulate their offer, and hoping that some vessels now in the employment of the Government would be shortly at their disposal. He could assure the right hon. Gentleman the subject was one which the Government felt the liveliest interest in, and no effort would be spared to secure a monthly communication with our Australian colonies as soon as possible.

GRANTS TO OFFICERS' WIDOWS.

Mr. RICH wished to bring under the notice of the House the heavy charge and serious consequences that might ensue from grants to the widows of officers killed in action, as compensation for the price of the commissions which their husbands might have purchased. He hoped that the system of purchase, which was fairly worn out, would shortly be put an end to, whereby the country would be rid of an incubus slowly and effectually. His object in rising on the present occasion was to obtain from the Government some explanation with regard to the course which they intended to pursue. He understood the Government was prepared to grant sums equivalent to the value of the commissions of those officers who fell in battle; but he could not learn whether this applied only to officers who had purchased their commissions, or to officers generally. But could the Government confine this regulation to officers who fell in battle, and exclude those who died of their wounds, or from exposure in the trenches, or marches? It was impossible to confine it; it must extend to all the officers in the field. This would involve a great expense, and the country ought to know all the circumstances. It would be unjust to confine it to those who had purchased their commissions, for had not those officers who had been in the army twenty or thirty years just as good a latent right to sell their commissions, and were not their widows and families entitled to the same consideration? The more so, because it was presumable that the widows and families of officers who had not been able to purchase their commissions were in worse circumstances than those of others. He hoped the noble Lord would give a full explanation of the views of the Government on this point.

Mr. HEADLAM was anxious to say a few words before the noble Lord offered an explanation. He was willing to accept the arrangement of the Government, as a concession in the right direction, but he was far from thinking that it went far enough. He thought, however, that both the House and the army had reason to complain of the delay on the part of the Government in submitting their proposal. It should be recollected that he (Mr. Headlam) had given a notice on that subject at a very early period of the Session. On that occasion the Government had promised a distinct proposition of their own. Nevertheless, up to this moment they had no precise knowledge of that proposition. Now, the subject was a very serious one, for death had been rife with the army, and he himself had received more than one application from the friends of deceased officers in reference to it. He thought it was only due to the representatives of the families of those that had died in the service—due to those who day by day were risking their lives, to have precise information as to the intentions of the Government.

VISCOUNT PALMERSTON said, his noble Friend Lord Panmure had hoped before this to have been able to put the arrangement in such a shape as that it could have been communicated to Parliament. However, unexpected difficulties had presented themselves, which were not yet overcome, and hence the delay which had occurred.

COMPENSATION FOR LOSS OF CHARGERS—QUESTION.

LORD W. GRAHAM wished to ask the Under Secretary for War on what principle, and by whom, whether at home or abroad, the compensation to officers for the loss of their horses had been awarded? In the first place, he would observe that nothing over *50l.* was ever allowed to any officer for compensation for the loss of his charger. Now, for a first-rate charger that was a very small sum, while even that amount was only given in the case of officers of the highest rank. Thus Brigadier Estcourt, Sir Colin Campbell, and General Pennefather, each got *50l.*, while Colonel Haly got but *35l.*, Major Hume *27l.*, and Lieutenent Warren only *23l.* It seemed to him that there ought to be a uniform rate of compensation, the more especially as it was given not so much according to the value of the horses, but on account of the difficulty of replacing them. And the same uniform principle extended to the loss of bat horses. Thus General Pennefather got *14l.* for the loss of his horse, while an unfortunate lieutenant, Hopkinson, only got *1l. 10s.*

WOUNDED SOLDIERS IN THE CRIMEA—QUESTION.

MR. STAFFORD also wished to ask the Under Secretary for War a question of which he gave notice yesterday, and which he did not then bring before the House in compliance with the wish expressed by the hon. Gentleman. Several Members of the House had probably seen a letter, published in *The Times* of yesterday, purporting to have been written by an army surgeon in the Crimea, and he felt convinced that no hon. Gentleman could have read that letter without feelings of the strongest possible indignation. The letter referred to the arrangements made for the reception of the wounded on the 18th of June last, and the writer made the following statements—

"At five a.m. a ward was given over to me. It contained no patients. I was requested to see what was wanted for it. I found in it fourteen wretched shaky bedsteads, as many mattresses stuffed with chopped straw, the mattresses not sewn up at the sides, and sheets and blankets to correspond. This was all—not a single chamber utensil, not a cup, knife, fork, or spoon—no large vessel for holding water—nothing but what I have named. I immediately applied for the various things deficient. Drinking-cups there were none; one chamber utensil only I could have for the whole ward, and two bedpans; nothing to hold water or tea—no plates. The wounded began to arrive; that ward was soon filled; others were given over to me in exactly the same predicament. One orderly was given to attend on fourteen wounded men, not one of whom was able to move. Each ward was the same. The constant cry of the wounded was for water. We had nothing to give it them in. Old tin cases that had contained preserved meats were eagerly sought for, but out of these they could not drink, except by a most painful effort, as, of course, they had to be raised up in bed. I proceeded to dress the wounds; the orderly given me had never done that duty before, and when I asked him to give me lint strapping and gutta-percha he did not know what those articles were. Every moment he was called away to give a drink to some wounded man. Well, Sir, during the whole of that day the wounded had nothing to eat, and not enough to drink. During the night of the 18th the wounded came crowding in; some of them were admitted by the orderlies, without having seen a medical officer, and, consequently, not having been seen, their wounds were not dressed till morning. Yesterday the only food given to these poor creatures until nine o'clock at night was hard biscuit and tea! There was no bread for them, no arrowroot, no beef tea—nothing except tea without milk! I did not find this out until the bread had arrived, or certainly, as long as any bread was to be bought, my own men should have had some. We were occupied incessantly all yesterday and the day before in dressing and operating. As soon as one man was removed from the operating-table, another was put on. I have not time, Sir, to write more, or I could give many further particulars. I think these facts need no comment. I can vouch for every word I have written. Though I do not wish my name to be published, you are at liberty to give it to any of the authorities, or to any one who wishes to investigate the matter further. I beg to state that I am not a civilian surgeon, finding fault with what I do not understand.

> I am in the army, and, being in the army, it is, perhaps, to use an official term, 'indiscreet' to write this letter. Nor am I a non-professional person writing to *The Times* to complain that a man with a ball through his shoulder suffers pain; but, case-hardened and tough though a professional life has rendered me, I cannot see brave men suffering unnecessarily without indignation. I have written strongly because I feel strongly. Your medical readers will understand the frightful deficiency of stores when I mention that there are no splints, except straight ones, to be had, and that there are no M'Intyre's splints, nor any modification of them, and no angular splints. All these things are stored in the most lavish profusion at Scutari."

He trusted he should not be told by the hon. Gentleman that he had taken these statements hap-hazard from a newspaper, and that it would have been more fair to wait for an explanation before he brought them under the notice of the House. It must be remembered that these statements were made by a paper which was denounced and contradicted during the whole of the autumn and winter, but which, by degrees, had had the whole of its previous terrible statements so completely borne out that the truth of none of them could now be denied. This was not the only reason which had induced him to bring the subject before the House. The information received by the Government with regard to the health and the treatment of the troops, and the supply of medical necessaries and comforts, was derived from a man of whom the Sebastopol Committee had expressed the following opinions—

> "Your Committee are totally at a loss to comprehend the report of Dr. Hall, more especially with regard to the Barrack Hospital, the scene of so much misery and suffering, Dr. Hall having reported the hospitals at Scutari to be in as good a state as could reasonably be expected."

The Government could not comfort themselves with the belief, after such an expression of opinion on the part of the Committee, that they could rely on the statements of Dr. Hall, who was charged, not only with having given no information, but with having supplied misinformation on this most important and vital subject. He wished to ask whether the attention of the Government had been called to the letter to which he had referred; whether they had any reason to doubt its authenticity; whether they would be willing to avail themselves of the offer made by the writer of that letter to give his name; and whether they would fully and fearlessly investigate this painful subject? Statements had been made before the Commission less generally known than those made before the Sebastopol Committee, which, although they caused the hearts of those who heard them to chill with horror, were highly honourable to the regimental surgeons, who came forward, notwithstanding the risk to their own professional advancement, to bring under the notice of the country the sufferings of the poor patients committed to their charge. It was not possible to exaggerate the eulogies due to these men. Even putting the question upon the lowest ground, the life of a soldier, looking upon it as a mere mercantile firm would do, could not be valued at less than 200*l.* The country could not have any confidence in the head of the Medical Department after the charges which had been brought against him by the Sebastopol Committee, and it could not, therefore, but be expected that statements like that which he had just read would be made from time to time in the papers, and would be read by the country with indignation, but with the strongest belief in their veracity.

BILLETING OF THE MILITIA IN SCOTLAND—QUESTION.

MR. COWAN put the following question to the Under Secretary for War. If a letter from the Commissioners of Police for the city of Edinburgh, which was addressed to Mr. Cowan, and was by him transmitted to Lord Panmure in March last, has received the consideration of the War Department, and whether any of the suggestions therein contained for the removal of the existing irritation caused by the billeting of soldiers and militiamen upon private families in Scotland are likely to be adopted? Also, if the Under Secretary for War is now prepared to name a time when either by the erection of a camp, by the militia being accommodated in temporary or permanent barracks, or otherwise, the localities upon which they are now quartered will be relieved from the burden which is laid upon them? He had received no reply to his letter, or he might have been spared the necessity of bringing the subject before the House. He had learnt from Mr. Ramsey, Lord Panmure's private secretary, that several of the suggestions were considered of the highest value, and that one or more of them would be adopted. Since then he had heard nothing further on the subject. The law regulating the billeting of the militia was entirely different in Scotland to that which prevailed in this country. Here they were billeted upon licensed victuallers and publichouses—in Scotland upon private families. Though the number of militia embodied in Scotland was only about 3,000, the grievance was by no means a small one, for the burden fell upon a small number of householders in the market towns. At Dalkeith, for instance, the 400 militia for the county were billeted upon about the same number of inhabitants. Such was the intense discomfort felt, that people were speaking of openly resisting the law. Dr. Jeffries, of Dalkeith, spoke of the scenes of drunkenness and blasphemy in that town as most revolting. Vermin of various kinds was introduced into the houses, and disease was often the result. He spoke as the medical attendant of some of the individuals. He put it to hon. Gentlemen whether in the case of their own menials they would tolerate such an outrage on the sanctity of their homes. He hoped the hon. Gentleman and the noble Lord at the head of the Government, either by the erection of huts for the encampment of the regiments, or in some other way, would with the shortest possible delay take steps for the removal of the cause of this immorality and disease.

MR. F. PEEL stated, in answer to the question of the noble Lord the Member for Grantham (Lord W. Graham), that compensation to officers for the loss of their horses was awarded under the regulations laid down by the Horse Guards according to the rank of the officers. In reply to the hon. Member for Northamptonshire (Mr. Stafford) he had to state that if the letter of the army surgeon in *The Times* was to be believed, and was meant to be understood in a literal sense, no doubt the hospitals in the Crimea must be in a most discreditable state, because it appeared from the letter read by the hon. Member (Mr. Stafford) that the hospitals had been very ill-provided indeed. The writer stated that there was a deficiency of water, surgical appliances, and other things, although there was an abundance of the articles in question in supply at Scutari. It was impossible to give an answer to such allegations until he had had an opportunity of referring the statements to Dr. Hall, the head of the medical department of the army in the East, and receiving his reply. From the communications he had received, however, relative to the state of the hospitals, both regimental and general, he had been under the impression that they were very well supplied with everything that was necessary, and that they contained the requisite number of medical men. The statement that no specific preparation had been made for the wounded of the 18th seemed to be disproved by a letter of Dr. Hall, written on the 18th, a portion of which he would read. Dr. Hall said—

> "In anticipation of the attack, I gave directions the evening before that temporary field hospitals should be established as far in advance down the ravines as safety would admit; that tents, an abundance of water, stimulants, and surgical appliances should be provided, so that aid might be at hand for those who required immediate assistance, and that the right attack should be under the direction of Staff-Surgeon Logan, and the left under that of Staff-Surgeon Paynter. Deputy Inspector-General of Hospitals Taylor established his field hospital down the Picket-house Ravine, and remained there for five hours himself. These tempory establishments were found of the greatest comfort and use, and should there be any future occasion of this kind, I will see that they are established for all the divisions. As the men were dressed, and the same with those that did not urgently require it, they were placed in the small chairs or litters, and sent up either to their own regimental hospital or to the general hospital which has been established in camp. We found the chairs and litters of the greatest use in bringing the wounded from the trenches and up the ravines, where waggons could not travel, and I am sorry the whole 200 are not here. A party of 250 Croats, in addition to the regimental bandsmen, were also employed in removing the wounded from the field, and the whole duty was performed in a speedy and very satisfactory manner."

He could not, therefore, believe that the statement of the army surgeon could be borne out; but a copy of his letter had been sent to Dr. Hall, and an explanation had been called for. That the letter was genuine he had no doubt, and, with reference to the offer to give up his name, he thought it would facilitate the inquiry and render it more full if the offer were accepted. With regard to the grievance of billeting complained of by the hon. Member for Edinburgh (Mr. Cowan) he could add nothing to what he had stated on the same subject last week. It was necessary, where a militia regiment was embodied, that they should be collected together and quartered in some place possessing a sufficient number of houses for the reception of the men. Arrangements, however, were being made for removing militiamen out of billets as soon as possible.

MR. WATSON wished to call the attention of the Government to the fact that due rewards and encouragement had not been extended to the merits of the medical officers in the hospitals in the East. Many of them had lost their health and some their lives in the performance of their duties. No rewards had been held out to them by the Government, although the unwearied attention which they had paid to officers and men was the theme of admiration among the whole army. He could mention the name of Dr. Macgregor and of others who had distinguished themselves in this dangerous and ill-requited service. The danger to which the soldier was exposed, who, in the excitement of the moment made a charge or who stormed a battery, was nothing as compared with that which awaited the medical officer, who, amid sickness and death, struggled night and day amid the pestilential atmosphere of an hospital to alleviate the sufferings of their fellow men. He called upon the Government, if they were capable of doing an act of justice, to reward and promote the men who were making such sacrifices for their country.

Mr. PERCY said, if the Report of the Sebastopol Committee were worth anything, the Government would not refer to Dr. Hall again. They would take precautions to obtain more certain information than, in a former instance, was obtained from Dr. Hall.

Mr. W. EWART said, the Under-Secretary of War (Mr. F. Peel) had entirely misconceived the nature of the objection, which was not against the number of soldiers, but against their being all billeted in particular localities. On the part of the army, as well as on the part of the people of Scotland, he entreated the Government to form an encampment as speedily as possible in Scotland. It would be infinitely better, both for the soldiers and for the population. There should be one encampment in England, one in Scotland, and one in Ireland, and they would soon have a good and permanent army.

Motion that the House at its rising do adjourn to Monday next *agreed to*.

THE DIPLOMATIC SERVICE.

On the Motion that the Speaker do leave the chair, in order that the House might go into Committee of Supply,

Mr. W. EWART asked the noble Lord at the head of the Government if any measures had been taken to establish a system of examination of candidates for the diplomatic and consular service?

Viscount PALMERSTON said, a system of examination was under consideration. The plan was not yet arranged, but as soon as it was arranged every information would be given to the House.

UNFENCED MACHINERY.

Order for Committee read.

Motion made and Question proposed, "That the Speaker do now leave the chair."

Colonel DUNNE rose to move an Address for Copies of all correspondence between the Secretary of State for the Home Department and certain magistrates of Oldham, on the subject of a prosecution before the said magistrates of a manufacturer for having on his premises unfenced machinery, from which neglect the death of an idividual resulted. When the manufacturer was brought before the magistrates of Oldham, they refused to convict; it was clear, in the opinion of the Inspectors of Factories, that a conviction ought to have taken place, and the correspondence for which he moved had ensued with the noble Lord (Viscount Palmerston) who was then Home Secretary. What he wished to draw attention to more particularly was, that in the case to which this correspondence referred, and in which the manufacturer had been acquitted, three out of five of the magistrates on the Bench were themselves manufacturers, and were interested in not convicting, and they could allege no reason for dismissing the case. He understood the noble Lord, then the Secretary of State for the Home Department, was of opinion that conviction ought to have taken place. Upon the matter being brought to his (Colonel Dunne's) notice, he applied to the Government, and was informed by the Under-Secretary that the correspondence was not finished, and therefore it would be improper to produce any portion at that time. The correspondence was now complete, but the present Home Secretary refused to produce it, and therefore it became necessary for him (Colonel Dunne) to call the attention of the House to the subject. The first point which struck him was that magistrates who were manufacturers, and probably themselves daily committing a breach of the law, were not fit persons to sit in judgment upon such complaints. He found that two of the magistrates who refused to convict were themselves guilty of having unfenced machinery in their factories; and he would assert that in no other part of the kingdom were magistrates allowed to decide upon complaints to which they were themselves obnoxious. He was not very anxious for the papers for which he moved, but wished to elicit from the noble Lord at the head of the Government an expression of opinion that such magistrates ought not to decide upon such cases. He perceived from the public papers that a meeting of manufacturers had lately been held in Manchester for the purpose of raising a fund to meet prosecutions of this nature, and to his surprise one of the chief arguments used on that occasion was that the proportions of deaths from machinery was only one in 10,000 a week, while the Government were killing men in the Crimea at the rate of 1,000 a week out of 40,000 ; and, therefore, they had no right to interfere with machinery. As he had said, he was very much surprised at such an argument, until he found that the chairman of that meeting, Mr. R. Hyde Gregg was a member of that very ferocious association the Peace Society. Now, how stood the facts ? He had some time ago moved for Returns on the subject, and from those he found that since the year 1845 up to the end of last year no fewer than 38,000 and odd persons had suffered death, or amputation, or fracture, or some serious injury, by accidents from machinery ; and if they added the proper proportion for the subsquent period, that would raise the number who had suffered fatal or serious injury from machinery in the last ten years to 42,900. Such a number as that in so short a period, he thought, showed how much the question deserved their serious attention, especially when they found the whole amount of fines levied on those negligent manufacturers in the same period was only 700*l*., of which, too, a large portion had been remitted. The law required that machinery should be boxed or fenced in to the height of seven feet from the floor. It was not for him to say how that defence shoud be provided, but it was for the Legislature to insist that in some way or another there should be such a defence. He was satisfied that the noble Lord at the head of the Government, and indeed, every Member of that House, must feel the intensest horror in contemplating the accidents which took place so frequently in mills, and that they would be but too glad to interfere in order to prevent mischievous results arising from the operations of the association to which he had referred. Only within the last few days he had received information of two horrible accidents having occurred in mills at Oldham, and which were attributed to the fact that the victims were engaged in oiling the machinery whilst it was in motion. One was the case of a young man twenty-two years of age, the other that of a mere child ; and he contended that Parliament was bound in humanity to provide for the enforcement of the law, with the view of securing the safety of the poor people who were employed in these mills, if the manufacturers and mill-owners failed to make such provision themselves. It was said by some persons that unless scope was given to trade foreign competition might prove dangerous, but surely the fear of foreign competition should not be compared with a question involving the loss of human life. Children and young persons were placed in the midst of machinery in which the fluttering of their dresses alone might entangle them, and if it did then they were destroyed. He thought that the Government were bound in common humanity to provide against such a state of things by law, and rigidly to enforce that law. They might see by the reports of the Inspectors that there was no possible species of evasion of the law that was not resorted to at this moment in different mills. The names of the mills and the parties who infringed the law were mentioned in the reports ; and if the law was not clear upon the subject of fencing the machinery, and also as to the hours of labour in factories, Parliament ought at once to interfere, amend that law, and make it so stringent that it would be impossible to evade it. He might be asked, why he, a person who was altogether unconnected with the manufacturing districts, should have taken up the question ? His only answer to that was, that having, some years ago, been quartered with his regiment there, he had been witness to the operation of the factory system, and that he was actuated simply by motives of humanity, in doing so. The hon. and gallant Member moved for the production of the papers to which he referred, and intimated that on a future occasion he should move a Resolution with regard to the conduct of the magistrates, who, having themselves been convicted of offences against the Factory Act, had, nevertheless, sat and adjudicated upon cases of unfenced machinery and the employment of hands at illegal hours.

Amendment proposed, to leave out from the word " That " to the end of the Question, in order to add the words—

"An humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence between the Secretary of State for the Home Department and certain Magistrates of Oldham, on the subject of a prosecution before the said Magistrates of a manufacturer, for having on his premises unfenced machinery, from which neglect the death of an individual resulted."

VISCOUNT PALMERSTON said, that as far as he was concerned, he had no objection to the production of the papers. The case was this. An accident had occurred, as the hon. and gallant Member had stated. The case was brought before some magistrates, and they dismissed it. He (Viscount Palmerston) was not satisfied with the grounds upon which the magistrates had so dismissed that case, and he had expressed his opinion in writing to them accordingly. Thereupon ensued a correspondence; and after he quitted the Home Office he had an interview with some of those magistrates, of whom he was bound to say, in the first place, that they were men of the highest respectability, and that he did not at all concur with the hon. and gallant officer in thinking that the circumstance of their being millowners or the employers of workmen had at all influenced them in performing their duty as magistrates. In that particular case he thought they had taken a partial view of the matter; but upon representation made verbally, and by official communications addressed to his right hon. Friend who was now at the Home Office, he believed they had satisfied his right hon. Friend that he (Viscount Palmerston) had been mistaken in his view of the law of the case, that they were borne out strictly by the law in dismissing the case as it was brought before them, and that, therefore, no imputation of any kind could possibly rest upon them in consequence of their having dismissed that particular case. With regard to the Motion of the hon. and gallant Member, though as far as he was concerned he might not, after a time, have any objection to the production of the papers—for he believed their production would be rather to the credit of the magistrates than calculated to throw any imputation upon them — yet, considering the manner in which the Motion came before the House, and that the granting of it would supersede the Committee of Supply, he felt it to be his duty to oppose the Motion, and meet this particular request with a negative.

MR. W. J. FOX denied that the magistrates to whom the hon. and gallant Member referred had acted with injustice or had violated the law. The hon. and gallant Member said that some of them had been convicted themselves; but why? Simply for the purpose of making out a case upon which to get the decision of a superior court of law. It was impossible to guard people under all circumstances against the consequences of their own folly or ignorance in obtruding themselves where they had no business; and in this case it happened that the man whose life was unfortunately lost had no occasion whatever to meddle with the strap by which he was caught. It was not his duty. He had not been requested by any one to do it; it was in charge of another man; and the millowners were no more responsible for the accident which ensued than were the shareholders of a railway for the death of a man who had the folly to jump off a platform at the moment a train was passing at full speed along the line. On these grounds it was that the magistrates dismissed the case. In their decision they were perfectly unanimous; and the allegation of interest could not be urged with much reason against two, nor with any reason against the other, of them; for if reference were made to the Reports of the Inspectors, it would be seen that these very men had in many instances dealt severely with offences that had been committed by their own class. He had only further to observe on behalf of the magistrates, that they had not objected, and did not now object, to the production of the correspondence; they had only demurred to its production at a moment when it was incomplete.

MR. HEYWOOD said, that on account of the rapid movements of machinery in factories, there must sometimes be accidents; but in many cases they were attributable to the extreme foolhardiness of the sufferers themselves. In the present day, there was much too great a disposition evinced to interfere with the occupations of the people; and as to those magistrates, he believed they were as honest a set of men in adjudicating the cases that came before them as any squires or other body of men in the country. Whenever cases in which they were personally interested came before them, they at once absented themselves from the bench. He believed, too, that their decisions were correct, and in one instance he knew that it had been confirmed by the Judges of the land. With regard to the association to which the hon. and gallant Member had alluded, he (Mr. Heywood) believed that it was called for by the circumstances of the times; that the owners of mills were perfectly right in forming it, and that they had conducted its operations with great judgment and discretion. He should hardly have deemed them worthy of the character of Englishmen if they had tamely submitted to be interfered with and tyrannised over by the central authority when satisfied that they were in the right; and he had no doubt that the association would be maintained until wise legislation was adopted in respect of the manufacturing interest.

Sir G. GREY said, that the objection formerly urged against the production of the papers could not now be raised; but at the same time he thought that their production would only tend to revive questions which were now set at rest. At the same time, if the magistrates asked for them for their own justification, he should have no objection to produce them, together with the legal opinion which had been taken. With regard to the proper protection of machinery, he thought that there was no great difficulty in the matter. It all depended upon the construction put upon the word "fencing." If it were supposed that the Act required a solid casing round the shafts, extending sometimes to a mile in length, if the whole measurement were taken, it would subject the millowners to a ruinous expense; and by a recent decision of Mr. Justice Creswell it had been held that the Act was sufficiently complied with where it was proved that proper precautions, such as a reasonable man ought to take against accidents, had been adopted.

Mr. MAGUIRE gave full credit to the hon. and gallant Member for the motives which actuated him in bringing forward this question. His object was not to criminate these magistrates; but he (Mr. Maguire) defied any gentleman to take up and read one of the reports of the Inspectors without feeling extreme horror at the contents, and admitting that there were most powerful reasons for the executive Government putting forth all its strength for the protection of the workpeople from accidents which must be ever occurring as long as the law was not enforced. Mr. Hollings, one of the Inspectors of Factories, plainly stated that "no caution or foresight on the part of the workman would save him from the perils of an unfenced shaft;" and he believed that these magistrates were not above suspicion, for it appeared from the Inspectors' statement that three of them had mills with the machinery unfenced.

Mr. COWAN begged to bear testimony to the fact that a very large proportion of these accidents were occasioned by the recklessness and foolhardiness of the persons employed, but still he thought that the law should compel the millowners to do their duty by providing sufficient protection. There were some persons who were very careless of the lives of their workmen. For instance, he recollected once going over a mill, and pointing out that the machinery was very dangerous, when the owner said, in a most unfeeling manner—"Oh! there are plenty of other people to be got." It was necessary that some stringent regulations should be adopted on this subject, and he hoped that the task would be undertaken by the Government.

Mr. CHEETHAM believed it would be found that the magistrates had conducted themselves on the occasion referred to with justice and propriety. Exaggerated statements had been made as to the number of accidents resulting from unfenced machinery. No class of employers, in his opinion, conducted their business with greater regard to the interests of those they employed; but it was a moot question whether the fencing of shafts above a certain height would have the effect of preventing accidents, and the evidence given before the magistrates tended rather to prove that it would, in some cases, only increase the danger.

Mr. W. BROWN thought that the production of the correspondence would vindicate the conduct of the magistrates.

Mr. J. G. PHILLIMORE said, if the present law were bad it ought to be repealed, but it ought not to be violated; and if the statement of the Inspector were true, that two men in the prime of life had lost their lives, within six weeks, in one district through the neglect of the owners to obey a clear law, some alteration was required.

Sir G. GREY had not the slightest objection to produce the papers, but he hoped the hon. and gallant Gentleman would not press the Motion to a division, so as to prevent the House going into Committee of Supply.

Question, "That the words proposed to be left out stand part of the Question," put and *agreed to.*

Main Question again proposed.

THE NEGOTIATIONS AT VIENNA.

MR. MILNER GIBSON rose pursuant to notice, to ask for explanations from the Government relative to the opposition of Her Majesty's Ministers to the views of their colleague, the late British Plenipotentiary at the Vienna Conferences, in reference to the plan proposed by Austria to be submitted to Russia for the purpose of putting "an end to Russian preponderance in the Black Sea," as stated in the circular addressed by Count Buol to the diplomatic agents of Austria, dated Vienna, May 25. He had made some inquiries on Tuesday last relative to the policy of Her Majesty's Government in the East, and to a certain statement made in a diplomatic circular which had been published in various continental newspapers. He was afraid that the course he then took did not harmonise with the feelings of the House, although it might be technically within its rules, considering the subject which had just been brought under their notice. But if he had committed any breach of the rules of decorum, he now begged to apologise for having done so, and to state that he had no intention in any way to disparage the character of the late Commander in Chief, or to manifest indifference to the Motion under consideration at the time. The Prime Minister then said, that he would not be led into a discussion which would rouse the venom of the peace party. [Viscount PALMERSTON: "No, I said 'hostility.'"] He had, however, never mentioned the peace party in his inquiries, which would, perhaps, have more appropriately proceeded from a member of the war party, as they related to the proceedings of the Government during the recent occurrences at Vienna, and to matters upon which every Member of Parliament, whether he belonged to the war or to the peace party, had a right to explanation. The noble Lord the Member for London (Lord J. Russell) had accused him of having misrepresented facts; if he had misrepresented facts, it was quite fitting that he should be set right; he should be the last man in the House to make any intentional misrepresentation, and he should be happy to retract any statements he had made which could be shown to be incorrect. His statements were founded on the authority of public documents which had appeared in the newspapeps — authorities, no doubt, not so good as actual access to the papers in the Foreign Office, but still the only ones within his reach. He had to complain, that during the late debates, when the House was invited to come to a most important decision as to the future prosecution of the war, they had not been treated with the consideration and openness they had a right to expect, and that they had not been put in possession of all the occurrences which had transpired at Vienna, or of the real opinions of Her Majesty's Government, which they were entitled to hear, in order that they might be guided to a wise conclusion. They came to what was called an unanimous vote; but was it clear that they would have come to that vote, if important facts that had now peeped out indirectly through public documents from other countries had been put into their possession—if they had been told, for instance, that the British Plenipotentiary at Vienna differed from the Prime Minister, and that the British Plenipotentiary thought that proposals had been made which promised an honourable and safe solution of the dispute between England and Russia? If they had been told at the same time that this proposition had not been submitted to Russia, in consequence of the refusal of the noble Lord's colleagues to take that course, would not many Members have hesitated before they came to the conclusion at which they arrived, those facts not being before them? At any rate, if that were the case—and he had a right to presume that it was—they were now entitled to a frank and candid avowal of the opinions of the Members of the Administration, of the policy they were pursuing in the East, and of the objects they were seeking to accomplish by the war. He had observed, that since the commencement of the war, almost every prediction to which the Government had lent their sanction had been falsified. Whether he looked to their alliances, to their military operations, or to what had been described as their object in the prosecution of the war, in almost every case the events had been the very reverse of the predictions and announcements of the Administration. Why, Sebastopol was to fall last year—soon after Sir C. Napier arrived in the Baltic the First Lord of the Admiralty stated, in reply to a question of, whether Cronstadt had been taken, that he had not yet received official information of that fact. Then, with regard to their alliances, with what countries were they now associated? Yet, they had been told that Austria was to be their active ally—that Prussia was to act with them—that Sweden was eager to lend her forces for their assistance. Then, with regard to the avowed objects of the war, after they had been told by the Duke of Newcastle, in a despatch, that no safe and honourable peace could be concluded without the fall of Sebastopol, did not a Member of the Government of which the Duke was a Member, and also of the Government now in power, go to Vienna for the very purpose of making peace, without saying a word about the fall of Sebastopol, or making that condition a *sine quâ non?* What, then, was the object of the war? Sometimes it was the fall of Sebastopol, sometimes it was merely the obtainment from the Government of Russia of a stipulation, written on a piece of paper, which every Member of the House thought would not be worth a straw as a security, but could only be intended to humiliate and insult the enemy with whom they were contending. Not one of the extravagant expectations that the Government had sanctioned had been realised. They had even sanctioned the folly which had been talked about a war for liberty, for the restoration of Poland, and the independence of Hungary. All these visions had evaporated, and the House was left more in doubt than ever as to what was the object of the war, and the nature of the policy the Government were pursuing; and he felt, seeing the blood they were lavishingly expending, and the treasure they were wasting, that he was but discharging one of his first duties as a Member of Parliament, by incessantly asking the Government what were the advantages they proposed to confer on the people of this country in consideration of the enormous sacrifices which they called upon the people to make. *The Times* newspaper said, that the object of the war was so clear that a labouring man could define it. But if that were so, he (Mr. Gibson) must have been entirely out of the way, for although he had been always anxious to obtain information on the subject, he had been unable to arrive at the object of the war. If a labouring man were to ask him what was the object of the war, and for what purpose he had been called upon to make the sacrifices he was now making—to deny his children education, to curtail the comforts of his humble home—the only answer he could make would be, that the British Government were endeavouring to attach the Ottoman empire more completely to the equilibrium of Europe, and to put an end to the preponderance of Russia in the Black Sea; and that it was worth his while as a labouring man to make what sacrifices we could to assist in accomplishing those objects. He believed that the Government had never told the country what their real object was in the prosecution of this war. They were drifted into it, and they kept drifting on. If ever they had a divided Government in connection with the carrying on of this war, it was his conscientious belief that they had a divided Government now; and, if success depended on having a clear and united opinion in the Government in such a matter as that of carrying on a great war, he saw sufficient division of opinion in the present Government to make success extremely problematical. The foundation of his opinion that there was this division in the Cabinet, he took from the despatch addressed by Count Buol to the different German Powers after the twelfth conference at Vienna. It would be in the recollection of the House, that after the twelfth conference, not the conference which finally concluded the negotiations, but that at which the negotiations were broken off—Count Buol stated, without any opposing remark from either of the Plenipotentiaries present, that although the propositions made by Russia might not be the most desirable mode of settling the question in dispute, and might not satisfy the third basis of the negotiations, still he thought the proposition contained the elements of a solution, and, that in his opinion, it was especially the duty of Austria to endeavour to find out a plan of approaching Russia's proposal which should satisfy the third point, and thus enable peace to be re-established between the belligerents on the basis of the Four Points. Count Buol said—

> "If, since the outbreak of hostilities, there was any one moment when more than at another, the restoration of peace might be considered probable, it was the moment when Lord John Russell and M. Drouyn de Lhuys left our capital. The conference, it is true, had only led to the rejection of the propositions made by the belligerent Powers, but upon both sides it appeared to be admitted that those propositions offered the elements of peace; and we were not only able to declare with-

out opposition that we believed ourselves especially called to occupy ourselves in seeking out the means of an approximation, but we also put forward a draught of an *ultimatum* which was to be sent to St. Petersburg, and which we considered not inadmissible by Russia, since an immediate limitation of Russia's sovereign rights in the Black Sea was avoided, but which at the same time seemed so completely to satisfy the object of the third stipulation, and put an end to Russian preponderance in the Black Sea, that the beforenamed Ministers of France and England, in confidential interviews, showed themselves decidedly inclined towards our proposal, and undertook to recommend the name to their Governments with all their influence. This plan of an *ultimatum*, the rejection of which by Russia we declared ourselves ready to make a *casus belli*, consisted of two distinct propositions, of which the Russian Government was to take its choice."

He need not go through the details of the propositions. They were much of the same kind as had been laid before the House. The circular proceeded thus:—

> "Lord J. Russell, before leaving Vienna, was made acquainted by verbal communication with these proposals. The French Minister, M. Drouyn de Lhuys, who left Vienna some days later, received a written copy of our plan, and undertook to submit it to the examination of his Sovereign and also to bring it before the British Government. It is unnecessary to speak here of the regret with which, very soon after, we received intelligence, not of the hoped-for acceptance of England and France, but, instead, the opposition of the English Ministers to the views of their colleague, and of the resolution of the Emperor Napoleon to relinquish the services of the Minister who had just won the admiration and the confidence of the Austrian Court."

If this document contained a correct account of what occurred, it would seem that at the very moment when the Government were asking Parliament for means to carry on the war with vigour, the noble Lord the Member for the City of London believed that the war was not a matter of necessity, but that the means of solution were in his hands, and that it was only for him to submit the proposal which had been made by Austria to his Government, and thereby enable the belligerents to arrive at an honourable and satisfactory termination of the contest. Was not this a question, then, sufficiently grave to claim the attention of Parliament? Were they prepared to say that there was any man who wished this war to be carried on one instant longer than necessity required, however anxious he might have been in the first instance to take up arms? It appeared to him that the noble Lord the Member for the City of London went to Vienna with the *bonâ fide* intention of making an honourable peace. He (Mr. Gibson) approved entirely of the declaration made by that noble Lord—it was a declaration of a Statesman, and one which it was worthy of an English Minister to make—when he said that the only terms of peace which were desirable were those that were consistent at once with the honour of Russia and sufficient for the security of Europe. In that spirit it appeared to him the noble Lord was prepared to act; but his instructions, as he said, were exhausted. His colleagues appeared to have entertained different views. They seemed to desire to avoid even the chance of making peace at Vienna, and of preventing the noble Lord from accomplishing what he (Mr. Gibson) believed the noble Lord earnestly desired to accomplish—the putting an end to these unfortunate hostilities. It was known that M. Drouyn de Lhuys thought it impossible for him any longer to hold the office which he had hitherto held in the French Government after the opinions he had expressed at Vienna, and which opinions were precisely similar to those which had also been expressed by the noble Lord the Member for the City of London. Therefore was it that he (Mr. Gibson) asked how could that noble Lord reconcile his retention of office in the present Government if he still retained the opinions he expressed at Vienna? If, indeed, the noble Lord had changed those opinions, and if he no longer thought that the terms proposed by Austria ought to be submitted to the consideration of the British Government, let him frankly avow that change of opinion; and if the noble Lord did so he (Mr. Gibson) would not have one word more to say on the subject. But he could not sit silent while he saw the noble Lord attached to a Government which was pledged to the carrying on of a war to the very indefinite extent of crippling Russia, while he had the consciousness that the noble Lord must believe that the war had been carried on beyond the necessity of the case, and therefore at a wanton sacrifice of the blood and treasure of this country. They had been led to believe that some difficulties had arisen in connection with this last proposal at Vienna with our ally. Was it so? Was it or not the fact that the Emperor of the French, wishing to act in strict accordance with this country, announced to his Minister that, if the British Government would agree to the proposition of Austria being submitted to Russia as an ultimatum, he was willing to acquiesce? That had been asserted in the presence of the British Minister, and it had not been contradicted. It was stated by the hon. Member for the West Riding, and also by the right hon. Baronet the Member for Carlisle. The right hon. Gentleman said, the Emperor of the French was not unwilling to accept this proposal; he proposed to the English Government that it should be accepted; and that its rejection took place in consequence of the influence of the English Government being exerted against it, and that consequently, M. Drouyn de Lhuys, who thought it acceptable, had retired from the Council of the Emperor. If these assertions were incorrect, it was high time that the Government should put the country straight, for rumours and statements of this kind made in newspapers must be pernicious if not founded on fact. With regard to the sneers directed against the zeal of Austria, in her alliance with this country, he confessed that he was no admirer of Austrian institutions; but he believed that the feeling entertained with respect to Austria having been treacherous, and of having failed to fulfil her engagements with this country, had chiefly arisen from our having entertained extravagant expectations of what Austria was prepared to undertake—expectations which the Government of England ought to have known were not sufficiently well founded. He had referred to all the documents and to all the treaties to which Austria had been in any way a party, and he did not find in any of them a single paragraph to sustain such expectations. There was not a word throughout the protocols or the treaties which pledged Austria to do anything which she had failed to do. He attributed, therefore, this expression of disappointment to that habit which England seemed to have of supposing that other countries were equally ready to draw the sword in questions in which they were not concerned as she herself was, and that Austria and Prussia, and those various countries with which they were allied, must of necessity see this war in the same point of view as it was seen by Great Britain. The Austrian Government by the treaty of December, 1854, pledged itself to endeavour to make peace by reasonable negotiations. He contended that Austria had fulfilled that engagement. What were the terms of the treaty between Austria, England, and France? They were these—

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, and his Majesty the Emperor of the French, being animated with the desire of terminating the present war at the earliest possible moment, by the re-establishment of a general peace on solid bases, affording to the whole of Europe every guarantee against the return of the complications which have so unhappily disturbed its repose. . . . . . . The High Contracting Parties refer to the declarations contained in the Protocols of the 9th of April and the 23rd of May of the present year, and in the Notes exchanged on the 8th of August last."

The allusion to these papers was merely a reference to the Four Points as bases of negotiation; and it appeared to him that the only engagement Austria entered into was to endeavour to assist England and France in negotiating a peace and submitting proposals which, in its opinion, would be considered reasonable by the Emperor of Russia, with the view of settling the dispute; and in case of the failure of these negotiations, all that Austria bound herself to do was to "deliberate without delay upon effectual means for obtaining the object of their alliance." In this case he thought the most effectual means of obtaining the object of that alliance was to submit to Russia the proposition which Austria had drawn up, and which were approved by the Plenipotentiaries sent to Vienna by the various Powers. What possible fault, then, could be found with Austria? She submitted a plan which was approved by the Plenipotentiaries; but the Plenipotentiaries were thrown over by the respective Governments, who then turned round upon Austria because she did not draw the sword, and complained that she had broken her engagement. He was afraid that, before this war terminated, there would be charges of treachery in other quarters. He did not believe they were going to uphold the integrity and independence of the Ottoman empire; he believed in different views, and he cautioned the Prime Minister that a day of retribution would come. If the expedition to the Crimea should end in signal disaster, the Government might endeavour—as Governments had done on former occasions—to throw the blame upon their generals and admirals, but in the end the responsibility would be fixed upon the executive Government. They, and they alone, were responsible for that expedition which they had undertaken, contrary to the advice of their best generals and admirals; they had sacrificed the flower of the British army; they had sacrificed millions of the public treasure; they had concealed from Parliament material facts which transpired at the Conferences of Vienna, and which it was necessary Parliament should know for the guidance of their opinion; and he must say the whole course they were pursuing seemed to him calculated to inspire want of confidence in the Administration, and led him to the conclusion that they were destined to bring great disasters upon the country, and his belief was that the country would visit those disasters upon their heads.

Lord JOHN RUSSELL: I am very glad the right hon. Gentleman has brought forward his imputations upon the conduct of the Government at a time when those imputations can be conveniently answered. I certainly was surprised when, the other day, upon an occasion which I should have thought would have induced the right hon. Gentleman to refrain from bringing before the House any question that could occasion controversy, he introduced a topic of this nature and made serious personal charges against the Government. Were it not for the remark of Mr. Grattan, that persons very often made observations "tempted by the extreme impropriety of the occasion," I should hardly have thought the right hon. Gentleman would have taken such an opportunity. As, however, the right hon. Gentleman has brought forward the subject now upon going into Committee of Supply, I cannot but own that he is fully entitled to explanation, and that the correspondence which has taken place with the Austrian Government on this great question fitly deserves, and should obtain the attention of Parliament. Before I enter into this question, I must refer to the right hon. Gentleman's affirmation, that we have been disappointed in all our predictions, and that the objects of the war are such as he has been pleased to describe. Now, so far from being disappointed as to the events of the war, I will say that, although the siege of Sebastopol has not hitherto been attended with the success we promised ourselves, yet that the repulse of Russia at the siege of Silistria, the evacuation of the Danubian provinces, and the consent of Russia to abandon entirely and for ever all those special treaties which gave her the pretence for interfering with Turkey—all these circumstances are successes far beyond those which we had hoped to accomplish in so short a time. But then the right hon. Gentleman says, we believed that Cronstadt would fall immediately, and he founds this assertion upon a statement made by the First Lord of the Admiralty, on a particular day, that he had no official intelligence of the fact. How the right hon. Gentleman could rest his belief on such a basis—how a simple statement of that kind could warrant him in supposing that we entertained such expectations as he attributes to us, is certainly beyond my comprehension. The right hon. Gentleman went on to say, that we proposed the restoration of Poland and the independence of Hungary as two of the objects of the war. As if we had ever promised or held out hopes of the restoration of Poland—as if we had not always considered, in conformity with the declaration of my noble Friend the First Lord of the Treasury, that, if that restoration be accomplished at all, it will be accomplished by Austria. Being on terms of intimacy with many Poles, when they have spoken to me on this subject I have uniformly told them, "If Austria will take your part, and should consider the restoration of Poland attainable, you may then entertain some hopes of accomplishing such a result; but do not imagine that England and France will alone undertake to accomplish it." I stated recently to a Polish nobleman, of whose friendship any one may be proud, that I had no conception that England and France would attempt the restoration of Poland, and that, if they did not attempt it, I thought it would be the greatest crime to encourage expectations which must be disappointed. Then with regard to the independence of Hungary, I must say that it would have been most preposterous if, negotiating with Austria, seeking the alliance of Austria, and entering into conferences with Austria—we had said that one of the objects of this war was to effect the independence of Hungary. No such object has ever been put forward by Her Majesty's Government. The right hon. Gentleman says he should find great difficulty in explaining to a labouring man the objects of the war; but it fortunately happens—for I have no doubt the right hon. Gentleman is incorrect in his statement—that the labouring men, the artisans, the country have throughout had a very clear conception of what the objects of the war are. They know that the war was entered into to prevent the further aggrandizement of Russia; they know that to protect the territory and to maintain the independence of Turkey, were the objects which the allied Powers proposed to themselves to attain. The objects are so easily understood, that the mass of the people have never deceived themselves in reference to them; and, as to the accomplishment of those objects I must confess that, before we entered into war, since we entered into war, and up to the present time, I have always thought it an object of very great difficulty, and only to be attained by great efforts. I have thought so because, as every one may conceive, Russia is enormously powerful, her population is animated and strengthened by repeated successes, and for centuries past she has by treaties been continually adding something to her power. Turkey, on the contrary, is a Power which has of late years been crippled and weakened—so much so, indeed, that when the war began the armed force of Turkey was not one-tenth of that which Russia possesses. Added to this was an additional source of difficulty—namely, that some 10,000,000 of the subjects of Turkey were of the religious faith of the Emperor of Russia, and had been taught assiduously to look to the Emperor of Russia for protection. It has always appeared to me that the task upon which we entered was a most difficult one. I do not think it will take long to show in what respect it was difficult, and I think I can mention some difficulties which both in war and in peace must attend the attainment of the object which we have in view. Some persons of high military authority thought at the beginning of the war that it would be quite sufficient, and that it would be the most effective means of defence for Turkey, if lines were drawn from the Black Sea to the Sea of Marmora, somewhat resembling the famous lines of Torres Vedras, and that the French and English armies should be entrenched within these lines. But the circumstances were totally different. The Duke of Wellington was enabled to defend the lines of Torres Vedras because the population of Portugal were generally opposed to the invasion, and the longer the invaders stayed in the country the weaker their army became, and the less able to obtain supplies. But if Russia had crossed the Balkan and had arrived within twenty miles of Constantinople, she would have had the means of raising an insurrection throughout the Christian population of the Turkish provinces, and she would have been strengthened every day and every week in her attempt to destroy the independence of Turkey. And now let us see what were the difficulties that would have occurred in a time of peace. We have had some discussions on former occasions with respect to the Principalities. Those Principalities are inhabited by Christians, and it has been said, naturally enough, "Make a Christian State there, and thereby establish a barrier against Russia." But the Russian interest is strong in these provinces, and there are so many persons who are bound to Russia by the strongest ties, that to attempt to make an independent State there would only have been to strengthen Russia, and to enable her to pursue her projects with greater security. If, on the other hand, you gave to Turkey all she used to have, and admitted the Turkish army into the Principalities, you would at once destroy their independence. Considering these things and many other questions of a similar nature, it has always appeared to me that the end of this war must be not merely a treaty between the belligerents on one side—namely, France, Great Britain, and Turkey—and Russia on the other, but that there must be a general treaty in which the Powers of Europe could take part, and in which each should give a fair security for the maintenance of the integrity and independence of Turkey. Having taken that view, it is obvious that I must consider the co-operation of Austria as being of the highest value. That the co-operation of Austria would be of the greatest value during war, no one will deny. If at the present moment the Austrian army were advancing into Bessarabia, it is clear that some 40,000 or 50,000 Russian troops would be unable to march into the Crimea; if it were operating on the side of Galicia, that again would prevent the Russian force from being sent from Poland to the seat of war. And, Sir, in the arrangements to be made with regard to peace, I believe that the alliance and co-operation of Austria would be, to say the least, as effective as it is necessary. The pathway by which Russia could send her land armies to the attack of Turkey is across the Danube, by the side of the Austrian provinces, and through the Balkan. That is the way in which, on more than one occasion, she has attempted to invade Turkey, and it is the road by which, on the last occasion, having crossed the Balkan, the Russian army reached Adrianople. But if Austria undertook, in alliance with France and Great Britain, to prevent any such aggression, and to oppose it by the force of arms, and if France and Great Britain on their side, had sufficient means of opposing a naval aggression, we should then, to use the language of Mr. Fox, which was quoted he other night by the hon. Gentleman the

Member for the West Riding, "make it the interest of Russia to maintain peace." I quite agree with the opinion expressed in the extract read by the hon. Gentleman from Mr. Fox, that the best security against aggression is the interest of a Power to maintain peace. [Mr. COBDEN, —"The only security."] The hon. Gentleman says, "the only security," but that is a phrase liable to some qualification, because Mr. Fox would not have said, nor will the hon. Member say, that in a treaty of peace you are to disregard all material guarantees. But to go on with my argument. I have always considered that besides the immediate arrangements, whatever they may be, for the security of Turkey, in order to have a durable peace, we ought to have Austria and Prussia and the States of Germany parties to a general alliance, by which Turkey would be secured from aggression.

Sir, having stated these general views, I now come to the mission with which I was charged to Vienna. It appeared to me—and I remember that I expressed that opinion very strongly to Lord Cowley, Her Majesty's Ambassador at Paris—that I should be able to ascertain what it was that Austria and Prussia were ready to agree to, and that I thought also I should be able to ascertain what Russia would concede for the sake of peace; but at the same time, I stated that I thought that, whatever might be the effect of the negotiations, it would not be possible to come to any decision at Vienna, but that it must be left to the Governments of France and Great Britain to decide ultimately whether there were any terms which they could assent to as terms on which to conclude a safe and honourable peace. Upon my arrival at Vienna there were, of course, two kinds of negotiations to be entered into. There was the negotiation which was to be conducted in conference, and in conference only, between the three belligerent Powers and Austria, who had signed the treaty of the 2nd of December, and Russia. That was one part of the business upon which we were to enter. But the other, and perhaps the more important part, was to ascertain by repeated interviews and discussions the views of the Austrian Government, and to endeavour either to procure her assistance in concluding peace, or to arrange fair terms with her, upon which she would make an *ultimatum* as against Russia. I find that a very few days after my arrival at Vienna—so early as the 7th of March—I discussed with Count Buol, as well as with the French Minister then resident there—Baron Bourqueney, and the English envoy, the various stipulations which came under the denomination of the Four Points. Upon the mention of the third point, we, the French and English Plenipotentiaries declared, that it appeared to us that the best solution of that point was to obtain from Russia a limitation of her fleet in the Black Sea. We stated, that if that limitation were agreed to, the general rule of the Treaty of 1841 —namely, the closing of the Straits—might be maintained. We stated, that it would then be possible to withdraw our armies and fleets from the Black Sea, because there would no longer exist the preponderance of Russia—there would no longer exist a standing menace to Turkey. Count Buol so far agreed that he said, "Undoubtedly that is the best solution of the third point. Undoubtedly the best security you can have is the limitation of the Russian fleet. But," he added, "there is another solution, and that would be, instead of weakening Russia, to strengthen Turkey. It is the opinion of the Austrian Government that the third point may be carried into effect either in one mode or the other. The proposal you make is undoubtedly the best; we should be very glad to see it assented to by Russia; in the conference we shall give it every support; but we will not say that we do not reserve to ourselves the power of proposing the other mode—namely, instead of a limitation of Russian force, to have a counterpoise on the part of the allies." So far, Sir—and, indeed, I would say not only so far, but throughout—I have no complaint to make, as the right hon. Gentleman supposes the Government to make, of treachery against Austria. Her conduct I find fault with—perhaps, very great fault in some respects —but I think there has been no treachery and no bad faith in the matter. I think Austria was entitled to say, as a Power which had not gone to war, as a Power which was at peace with Russia, "We will endeavour to seek for the solution of these difficulties by the attainment of all the Four Points which we consider necessary for peace; but we do not bind ourselves to one particular mode of obtaining one of those points. We think ourselves at liberty to propose another mode, and if that other shall be found sufficient, we will not rely solely upon the one which you propound." I could not but say that I thought the Austrian Government were wrong in their supposition that the second mode of solution was as good as the first. I stated objections, and I stated them over and over again at repeated interviews with Count Buol—objections which are obvious enough—to the propositions he made. One objection is, that Great Britain and France might not always be disposed to go to the considerable expense which would be necessary in order to maintain a fleet in the Black Sea which could be at all reckoned as a counterpoise to the Russian fleet. Another objection is, that it would obviously be placing Turkey, as it were, under the immediate protection of those two Powers, and would thereby, in some respects, weaken her position. But a third objection—which I still think a very strong one—is, that three or four fleets—the fleets of Turkey, assisted by those of France, England, and Austria on the one side, and the fleet of Russia on the other—would have all the appearance of a competition for preponderance, and would thereby weaken the general feeling in the solidity and duration of peace. Well, discussions went on, as the House has seen by the papers which have been laid before Parliament. The Austrian Government, through Count Buol and Baron Prokesch, its representatives at the conference, supported with great force of argument the propositions which were made for limitation, or else for making the Black Sea entirely a commercial sea. I should say, however, with respect to this last proposition, that it was not cordially adopted by the Austrian Government, but they did cordially adopt the proposal and support the arguments in favour of limitation, which I was ordered by my instructions to put forward. The right hon. Gentleman (Mr. Gibson) having read several extracts from Count Buol's circular, strangely enough said, he would not read the particular propositions which Austria made, but he left it to the House to believe or to infer that those propositions were the same which were made by Russia. Now, I think a very few minutes would suffice to show that, whether they were satisfactory or unsatisfactory, whether they were adequate or inadequate, they were totally different from those of Russia. The proposal of Russia at the time when I was at Vienna was, that the fleets of all the Powers—their armed vessels—should have liberty to pass through the Straits. The proposition they made after I left Vienna was, that the closing of the Straits should be maintained as a principle, and that Turkey should have the power of calling on her allies when she pleased to send their fleets there. Now, the Austrian proposition does not at all resemble these two, upon which I shall not argue, for they have been discussed in the House upon former occasions, and the House, by a very great majority, were of opinion that they were inadequate. The Austrian proposal was founded upon that which Count Buol had made to us when we first had an interview with him. He proposed, in the first place, that the rule of 1841 should be maintained, but that it should be maintained with exceptions in favour of the allies, and with no exceptions in favour of Russia. Thus, according to that principle—which I certainly very much doubt whether Russia was at that time prepared to adopt—there would have been the power on certain occasions of sending armed vessels — ships of the line — belonging to France, Great Britain, and Austria into the Black Sea; while there would have been no power on the part of Russia of sending her vessels either from the Black Sea into the Mediterranean, or of sending vessels from the Baltic into the Mediterranean, and from the Mediterranean into the Black Sea. The passage, in short, would have been entirely closed to Russia; and would not be closed to Powers which had not establishments in the Black Sea. The particular mode in which the proposal was to be carried into effect was this. (I do not conceive it is a proposition on the part of Austria to be considered by her allies, and of course the details were not finally settled.) What she proposed was that, supposing—which seems to have been ascertained by Admiral Lyons—that Russia had six sail of the line in the Black Sea, while she had that number and no more, England, France, and Austria should each maintain two frigates in the Black Sea, and have power to renew them from time to time. If Russia should increase her force — for instance, if she should augment her fleet from six to eight sail of the line — then half the number maintained by Russia might be maintained by the three allied Powers, so that, while Turkey would have eight sail of the line as an equivalent to the eight of Russia, England would have four, and France four at the same time. It was proposed, in the same way, that if Russia should continue to augment her force—for instance, if she had twelve sail of the line —each of the maritime Powers should have six, while Austria would, of course, have her own naval force, and thus we should maintain a counterpoise in regard to Russia. But, in addition to this, Count Buol was ready, as I was told verbally on the day before I left Vienna, to agree to the treaty which he mentions in this circular between Austria, Great Britain, and France, by which they should agree to give a guarantee for the independence and integrity of Turkey. That was a point on which I had laboured during the time I was at Vienna. When I first saw Count Buol, I told him my general opinion with regard to the limitation of the fleet according to my instructions; but I said I thought that, before the whole of these transactions were closed, it would be very desirable to have security for the future by an alliance between the three Powers. Count Buol was of opinion that it would be better to have an article in the general treaty making Russia a party to that guarantee. I was of a different opinion; but Count Buol maintained his opinion, as I maintain mine. The day before I left Vienna I was informed that Count Buol had come to the opinion that he has suggested here in his circular, that it was desirable that the three Powers should enter into a united treaty of defence of Turkey, securing her independence and integrity. It was, of course, understood that Russia might be a party to that treaty, and that thereby greater security would be obtained for the observance of that treaty. Omitting several details of more or less importance, it appeared to me that these two propositions did contain a security for Turkey for the future. It appeared to me, if we had made this arrangement with respect to the admission of ships of war in the Black Sea, that Russia, so far from increasing her fleet to its size before the commencement of the war, would abstain from maintaining more than six ships of the line, replacing them, if she thought proper, by larger and stronger vessels, but not attempting to have a large fleet in the Black Sea; for nothing could so tend to diminish the opinion of the power of Russia in the East as the observation that other fleets, especially those of France and Great Britain, were present in the Black Sea as a check and a counterpoise to her fleet. On the other hand, the security on the land side against the advances of Russia by armies similar to those which advanced in 1828 and 1829, would have been obtained by the general treaty, and by the consciousness that Russia would have, that no sooner did she attempt to do that which she has done within the last two years, and occupy the provinces of Turkey, than such a step would be equivalent to a declaration of war against all the great powers of Europe. In this manner I certainly thought that while the Austrian plan of counterpoise was inferior to the plan of limitation that we proposed, yet that it might be a mode of concluding the war with honour to the allied Powers, and that it would give—I will not say a certainty—but a very fair prospect of the duration of peace. The right hon. Gentleman (Mr. Gibson) asks me whether I have changed that opinion. Sir, I have not changed that opinion. I think that those terms were calculated either, on the one side, to secure Austria to us in the war, or, on the other, to obtain a peace which, although it might be unpopular, would have been a peace that would have afforded security for the future. I should say, that in making these propositions, the Austrian Government declared that they were ready to make them an *ultimatum*—that is to say, they were ready to send this alternative to St. Petersburg—either that Russia should consent to that plan of counterpoise that I have described, or that she should consent to limit her naval forces in the Black Sea to the number of ships existing at the time that these propositions were accepted. It was supposed that Russia had no more than six sail of the line left, and that she would consent to a condition made with Turkey, but inserted in a treaty made with all the Powers, that she would not increase her naval force beyond that number. I have already stated that the Russian Minister would not consent to the limitation, and that this plan was at once refused. With respect to the other the assent of Russia was more doubtful, but it was thought that Russia might have agreed to that proposition. If Russia refused both propositions the Austrian Minister was to have orders to leave St. Petersburg in eight hours, the military convention with France and Great Britain was to be signed, and the Austrian army was to be concentrated and placed in such a position that it could commence the war at any moment. The Austrian Government did not promise that an immediate declaration of war should be made, but it declared that it would regard the rejection of its proposition as a *casus belli*.

The Austrian Minister said that it would bring on war, and considering the character of the Austrian Government, I have no doubt that unless Russia had yielded at the last moment it would have led to a war between Austria and Russia. Well, Sir, I have stated that there may be something in my own recollection of what took place which differs from that of Count Buol; but I have no doubt that the statement of Count Buol is in the main an accurate account of what I did at Vienna. I said that I had no instructions that would enable me to agree to such terms, and that the instructions I had would lead me to suppose that such terms would not be accepted; but I said that my own opinion was that they might be accepted; and I said to Count Buol that I could assure him, and that he could convey that assurance to the Emperor of Austria, that I would lay the case before the Cabinet of this country, and that I would use my best endeavours to put these propositions in such a light that he might hope for their adoption. That promise, Sir, I certainly performed. I stated to my Government every detail of the propositions of which I was the bearer. I said that I had not the written propositions, but that, if they should be considered fit to form a basis for agreement, I had no doubt the Austrian Minister at this Court would furnish all the details of the articles to be proposed. I must say that the proposition was deliberately considered by the Cabinet. Everything that I stated had, I must say, due weight, and was fairly placed in opposition to the disadvantages of such a peace. The Government came to the conclusion that the peace proposed would not be a safe peace, and that they could not recommend its adoption. The right hon. Gentleman says that he has heard from my right hon. Friend the Member for Carlisle (Sir J. Graham) that the French Government were disposed to accept these terms, but that they had been induced by the rejection of them by this Government to refuse to accept them. M. Drouyn de Lhuys rendered a report to the Emperor of the French, stating the advantage of the terms to be such as I have described; but the Emperor would not accept his advice, and, before he could have known the decision of the English Government, he determined to change his Minister and to reject the proposal of Austria, as not affording a sufficient foundation for peace. The two Governments therefore came to the decision that the proposal of Austria should be rejected. I am not going to enter into the case of Austria, and how far it was a good case or not. I have stated the case as fairly as I can, and the House can judge for itself. The Austrian Government then declared that they were ready to carry into effect the Four Points, but that they did not think the third point admitted of only one solution, and that the two Governments of France and Great Britain had sufficient security on this point:—that they were ready to make a proposal to Russia, but that since that proposal had been rejected by the allied Governments they no longer considered themselves bound to propose it, but that in that case they considered that they were no longer bound by the treaty of the 2nd of December to go to war with Russia. I believe that in strictness those terms do admit the construction that they are bound to go to war with Russia. But the House will remember that, when that treaty was first mentioned in this House, I rather opposed the general view that Austria was bound at once to go to war with Russia upon that treaty, and I said she was bound only to take steps to carry into effect the Four Points. I think the two Governments may call upon Austria to perform her engagements; but I think that, even if it is not a good case, and even if it is not a sufficient case, for Austria, at least there is much to be said in favour of the propositions which the Austrian Ministers declared they were ready to make as an *ultimatum*.

Now, Sir, the right hon. Gentleman asked a question, undoubtedly personal to myself, but which he is fairly entitled to ask, and which I consider I am bound to answer. The right hon. Gentleman asks how, having had those opinions, if I had not changed them—if I had not taken a totally altered view—how could I remain in office in the present administration? I think in the first place that if I had left office upon the decision of Her Majesty's Government, which I have mentioned, I should not have been acting consistently with that I have repeatedly declared to be the main guide of my conduct. In the last resort, when it came to that great question of whether the proposal before us should be received or not, it was for the two Governments, and not for a Plenipotentiary, to decide. And if not for a Plenipotentiary, neither was it for me to decide, as having been employed in those negotiations and as having been a Member of the Cabinet. But I must say that, if I had thought that, having held that opinion, and being overruled upon a question of such great importance, it was my duty to tender my resignation to Her Majesty, I consider the circumstances of the time would have forbidden my doing so. I must now refer to that which has taken place since the commencement of this session, and which I think must impress every man who takes part in public affairs with very grave reflections. There have been several changes since the commencement of the Session. I myself resigned my office at the commencement of this Session upon the ground that I could not resist the appointment of a committee of inquiry into the state of the army in the Crimea. A vote of this House induced Lord Aberdeen and his colleagues generally to resign their offices a few days afterwards. Lord Derby was called to attend upon Her Majesty, and he thought (I believe with very sound judgment) that, unless he obtained the assistance of some of Lord Aberdeen's colleagues—especially of my noble Friend (Viscount Palmerston) and the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone)—he could not obey Her Majesty's commands and form a Government which promised stability. I found myself unable to form a Government when it was proposed to me ultimately. My noble Friend (Viscount Palmerston) formed a Government, and he obtained the assistance of some of those colleagues of Lord Aberdeen to whom I have referred. But in a few days these Gentlemen resigned office upon the ground, the very opposite to that which I had taken, that the committee of inquiry, proposed by the hon. and learned Member for Sheffield (Mr. Roebuck), was about to be granted. It cannot be denied, Sir, I think, that these circumstances have given an appearance of instability to our councils—an appearance of instability which ought above all things to be avoided. But, more than that, it was impossible for me not to perceive, though at a distance, the tendency that there was to cry down all authority, and to distrust all persons in whom the administration of the Government might be placed. If there were one man more than another to whom, in the general estimation of the country, ought to be intrusted the supreme place in the councils of the Sovereign it was my noble Friend who is now First Lord of the Treasury; and yet, no sooner had that appointment taken place, and, as far as I can see, with no other reason than that he held a place of authority in Her Majesty's Councils, he became subject to the most violent attacks, and a very general endeavour was made to run down his administration and to drive him from power. This was not the effect of the extreme violence of parties; far from it—it would be wrong if I accused the great body of the Opposition of such conduct; but it did show the tendency of the public mind—a tendency much to be feared—to run down all authority, to distrust all persons who might be the depositaries of power, and to give way to a restless desire for something different without exactly knowing what. Now, Sir, I did conceive that in that state of the public mind, whatever might be my sentiments as to a great question—and a very great question it was—it was my duty to give every support to my noble Friend; and I am sure that if I had then left office, though I might have promised him every support, it would have tended to increase that instability to which I have made allusion—it would have been considered as a symptom and precursor of other changes. I believe that, whether as regards our position abroad, or whether as regards our position at home, it is the duty of the Members of the Cabinet of my noble Friend to consider, as well as they are able, the position of affairs; to arrive at the best decisions which they can; for the minority to yield to the majority, if there is a minority or a majority; for an individual to defer his sentiments to those of the Cabinet in general; and to leave it to this House to decide whether or not they are fit to be trusted with the conduct of public affairs. I believe that my noble Friend and those who act with him are as well qualified to make those changes in our administrative affairs, to make those reforms which the conduct of public business may require, as any set of men whom Her Majesty may call to her councils. I believe that after a time that persuasion will be fixed in the public mind. I believe it would be a very great misfortune if any change were to take place, unless it were a total change, to the men who are opposed to Her Majesty's present Government. If the House think they will be the better depositaries of power, they ought to have every confidence and every support given to them in the execution of their duty. I will say that these affairs,—important as they are, involving such great consequences, bearing upon the position of England in the world, bearing upon her internal fate and the maintenance of her institutions—have cost me many painful reflections. I have made the best decision, which, with my lights, I have been able to make. That decision may be contested. It may be said by many that I betrayed the interests of my country when I told Count Buol I was ready to agree to these terms—not officially, but to recommend them to the Government. It may be said that, having so declared my occurrence, I ought to have persisted to the end, and to have resigned office immediately those terms were not agreed to. Upon either of those grounds I am liable to be attacked, and I have no reason to complain if censures are cast upon me for the course I have taken. All I can say is, I have made a fair statement to the House of my conduct and my motives, and I leave the House to pass judgment upon them.

Mr. COBDEN: I have heard many speeches in this House which have astonished me, but I must say, unfeignedly, I have never heard a speech which struck me with such astonishment and grief as that which has just been delivered by the noble Lord. My right hon. Friend (Mr. Gibson), in the proper exercise of his duty as a representative of the people, calls upon the noble Lord to explain the inconsistency between his conduct at Vienna and his conduct in this House. My right hon. Friend points out that it has come to his knowledge, not from the statement of the noble Lord here when he had returned from Vienna, but by the publication of an official Austrian document, that the noble Lord, when at Vienna, did confidentially —for that is the word of Count Buol—did confidentially promise the Austrian Minister that when he returned to England he would do his best to induce the Government to assent to the propositions for the establishment of peace which had emanated from the Austrian Government, and which the noble Lord had also privately informed Count Buol that he approved. The noble Lord does not deny that statement. But the first and obvious question which we ask ourselves is this—Why was not the noble Lord himself the first to come and inform us in this House that the terms submitted by the Austrian Government had his approval, and that he still approved them? Why did not the noble Lord make that statement, not from the bench on which he sits, but from the bench from which he descended to occupy his present position? What are the reasons assigned by the noble Lord for completely setting aside, upon coming home to England, his own convictions upon the most important question of modern times, and surrendering his judgment and abnegating his opinions to his colleagues in the Cabinet? What is the only reason assigned by the noble Lord for such astounding conduct? It is this. There had been so many changes in the Government—he himself had so lately abandoned his seat in the Cabinet, only to return thither once more; there had been so many secessions from the Cabinet; and there had been so great a disposition on the part of the public to denounce all authority and to call in question the characters of all public men—that he did not think himself justified, under the extraordinary circumstances, in maintaining his own opinions upon this the gravest of all questions, by surrendering his seat in the Cabinet which had overruled his own convictions at the risk of bringing about another change. Why, does not the noble Lord see that the reason why the public have lost faith in public men is because public men have become suspected of doing that which the noble Lord has now, in the face of the whole world, declared that he has done? Why ought the public—why does the public—why should the public—have any faith in public men, except it be because they believe that those public men have certain opinions, that they are swayed by certain principles, and that they may be reckoned upon to act up to their convictions? What does the noble Lord tell the public—he who has been for twenty years the almost exclusive leader of this House —who has gathered about him so much of the hope and confidence of the country —who for so many years has led a majority of this House? He says—"I am willing to abandon my opinion, I am willing to surrender my judgment—a judgment which you, the public, have believed to be founded upon long experience and great abilities—I am willing to surrender it all at the instance of my colleagues, and to retain my seat in the Cabinet, to carry on a war at the instance of my colleagues and against my most solemn convictions." Does not the noble Lord see that, by the conduct he has pursued, he has taken the exact course to strike at the very foundation of all confidence in public men, and to render it impossible that the representative system should be carried on with success? The noble Lord seems to me to have abdicated his reasoning faculties. Why, does he not see—does not a child see—that the country does not want him bodily in the Cabinet merely to represent somebody else's opinions? What the country wants is, that in the noble Lord the Member for the City of London they shall have the benefit of his long experience, his eminent abilities, and his cool judgment. But the noble Lord has struck at the confidence of the public in public men still more fatally by the way in which he has allowed this matter to transpire. Again has he shown us he does not deal fairly with the public; he did not allow the public to know what were his opinions on what was doing until by some accident they are found out. He retained his seat in the Cabinet last year, and allowed the war to be carried on contrary to the plan and system which he himself declared to be necessary; he never told us that he believed the war was being carried on upon a system so faulty that it could not lead to success until an hon. Member called public attention to the conduct of the war; and then he abandoned his seat, and confessed that he had been sitting in the Cabinet until he was accidentally found out, while the war was being conducted on principles which he emphatically condemned. And, now, what has he done? He comes home from Vienna, and, instead of telling us frankly, as I say he was bound to do, and the country expected he would do, what his own opinions were upon the grave questions of peace and war, he made a speech denouncing Russia, dealing forth all the claptraps used to excite national hate and popular passions, and denouncing the encroachments and aggressions of Russia—I do not say with the motive, but it certainly had the effect, of making the country believe he had come back from Vienna disgusted with the proposals for peace made there, and despairing of arriving at any terms of peace, and that he was, therefore, anxious to stimulate the passion of the country in order that the war might be carried on more vigorously. All this time the noble Lord was the sole depositary of his secret—he knew well he came back from Vienna bringing with him proposals for peace which he had told Count Buol he considered were practicable and fair, and which he promised to advocate with his colleagues. And now he tells us that he considered those terms which he promised to support to be such as would have afforded fair ground for a permanent peace, and, to use his own words, they did offer "a guarantee for the security of Europe." And yet, with those convictions upon this most momentous of all questions, the noble Lord comes home, takes his seat in the Cabinet, and makes a speech which, if framed especially to mislead the public mind as to his own convictions, it would be impossible to excel in double dealing with the confidence of the country; and now he gets up and says the great difficulty of the day is that there is a want of confidence in public men, and that the public are prepared instantly that a Minister attains to power to distrust him, to assail him, and to drag him from his high position. He quotes the example of the noble Lord the Member for Tiverton (Viscount Palmerston). Now, compare the language he uses towards the noble Lord at the head of the Government with that which, three or four years ago, he used towards the same noble Lord, when he (the noble Lord the Member for the City of London) was Prime Minister, and the noble Lord the Member for Tiverton was Foreign Secretary, and remember the opinion he then expressed in this House and induced his Sovereign to sanction. What will the country now say when the noble Lord speaks of his great confidence in the noble Lord the Member for Tiverton, and denounces the conduct of the country in questioning that noble Lord's conduct immediately on his succeeding to the head of the Government? If anybody can be selected who is responsible for doubts and misgivings on the part of the public towards the Minister now at the head of the Government it is the noble Lord the Member for London, who more than any one has contributed to that mistrust. The noble Lord (Lord J. Russell) seems to me to come here with the idea that he can confuse us, and separate himself, as a Member of the Cabinet, from the Plenipotentiary at Vienna. He has certain opinions as a Plenipotentiary; but he comes back, enters the Cabinet, and then he is willing to abandon those opinions. We know him here as the Colonial Minister—as a Member of the Cabinet—we hold him responsible to us and the country as a Cabinet Minister of the Crown, and we cannot separate him in his two capacities of Minister and Plenipotentiary. Did the noble Lord the Member for London, honestly and in good faith, promise to Count Buol to support this proposition for peace, and did he come back to England and in the Cabinet advocate those views? If he has done so, I say he has abandoned his duty, forfeited his trust, and abdicated the high position he has hitherto held, by not resigning his seat in the Cabinet when he found it would not carry out his views. He was bound to do as M. Drouyn de Lhuys did, with great consistency and great honesty, when he resigned the proud position which he held before Europe, upon finding he could not induce his Sovereign to concur in the views to which he had pledged himself at Vienna. Now, the noble Lord talks to us of the disadvantage to the public service if he had resigned office, as I say he was bound to do. Does he not think he has done a greater injury to the public service by remaining? Has he not struck a heavier blow at the faith in all public men by remaining in the Cabinet, by giving up his own judgment, and agreeing in the criminal conduct, as I call it, of carrying on an exterminating war, merely because, as he now tells us, he has confidence in the noble Lord the Member for Tiverton? If he had resigned his office and retired to the back benches, the country would have had one more instance of a public man who from earnest conviction did not hesitate to abandon the honour and emoluments of office, and he would thereby have given far greater strength to the characters of public men in this country than he did by remaining in office and abandoning his own convictions. There is one point to which I must refer. It is delicate ground to touch upon—it is one of the great dangers of our day. That is, the way in which public men have forfeited their title to the confidence of the country. It is a matter to which I have alluded before in public, but only distantly, when looking into the future and contemplating several possible contingencies which might occur this autumn—dangers to which we might be exposed from accidents which have happened already during my short experience. I have always considered that the great danger which we have to dread is, lest there should be no one man in this country round whom the public could rally and would rally in case of any great social difficulty or danger. We have brought ourselves to the position which in France was only arrived at after successive changes, and, to use a familiar, but expressive phrase, we have "used up" every political character in the land. I now speak with the greatest sincerity when I avow I look upon the conduct of the noble Lord—disastrous as I believe it to be to himself as a public man and an individual—with far more regret and apprehension on account of the dangers to which I believe his conduct exposes the system of representative government in this country. I am one who think that the continuance by the noble Lord and his Government in the system upon which they are now acting does bode difficulty and danger which will require, in the stress and strain to which the vessel of the State may be exposed, able heads and cool hands to conduct us safely through domestic dangers and social difficulties. It is not, then, merely that the noble Lord is a Member of a Cabinet which has plunged us into what I must call a useless war, but it seems to me they are utterly incompetent to understand the extent of the danger and difficulty to which we may be exposed. Now, does any one think that in renewing this war the Cabinet have taken the necessary steps to bring it to a successful issue? What are they doing? What is the object for which the war is now to be pursued? They are not now talking of driving Russia out of the Principalities, or of compelling them to withdraw from Silistria, for the noble Lord and his colleagues are renewing the war with these objects accomplished. You did not drive the Russians from the Principalities, for they withdrew; and as soon as it was known that Austria had entered into a treaty with Turkey to occupy the Principalities the Russians retired from Silistria, and not because they could not take the place, as every military authority will tell you that that was but a matter of a few weeks. When the Russians had crossed the Danube, what caused them to cross the Pruth? Was it because they were afraid of England and France? No; it was because Austria and Prussia had entered into a treaty by which the whole of the power of Germany would have been brought to bear on this question, and they made the crossing of the Danube by Russia a *casus belli;* and knowing this Russia withdrew its troops beyond the Pruth. Nothing is more clear to me in tracing the course of these operations than this—that everything which Russia has done has been either from a fear of Austria and Germany, or with a view of conciliating them. You are not fighting for practicable objects with the aid of Germany. Austria and Prussia would never have allowed Russia to occupy Constantinople. All Germany would have united to prevent anything of the kind from taking place. This has now been disposed of. You have renewed the war and what are you going to do? Does any one think that the Cabinet have settled what they are going to do, or that the noble Lord the Member for the City of London has proposed the question—what is our object in renewing the war? That is the question which we, as representatives of the people have to face. And, oh that I could make hon. Members use the same language in public in this House which I have heard them use in private in the lobbies! Oh that they would speak out on this question! and I entreat you, as you value the interests of the country, if you have superior lights to the mass of your countrymen—and you have no right to be here if you have not—let them, I implore you, know what you really think on this question—deal honestly with them. Do not frighten yourselves by imagining that you will be telling secrets to Russia, for they know what is going on in France and England better than many of us do—they know the number of our recruits, how many men we are short of the number voted, and the state of our militia; do not fancy that you will be telling secrets to Russia by facing this question and seeking to learn what the object of the Government is in renewing the war. Are we to believe it is, as we are told by the irresponsible writers of the Press, with a view of humbling Russia? Can you do so by the plans adopted by the Government? Humble Russia, with its 60,000,000 of inhabitants and inexhaustible raw material for troops! Humble Russia!—by what? By 30,000 men!—and you have never had more than that number of effective British bayonets at once in the Crimea. How do you intend to accomplish this object of humbling Russia? I have told you before that I think there is scarcely any limit to the power of England and France, if they put forth all their strength; but has our Government dealt honestly with the country and told them what they require to carry on this war? We are told to rely on France; but is there not danger in entering into an alliance for carrying on operations on land in which that country sends four or five times the number of troops we do? Do we measure our pretensions according to such proportions, or do we in this country write as if we were going to leave to France the task of humbling Russia? Is France in a position to humble Russia? Let us tell the whole truth as regards France, with respect to which nothing is more certain than this—and it is confirmed by every Member of this House who has lately come from France—that this war is not popular in France. It never has been popular, and is now odious. If I wanted a proof of this I could find it in the address of the Emperor of the French lately made to his Chambers, for it contains the following ominous paragraph.

> "My Government will propose to you to vote the Annual Recruitment Bill; there will be no extraordinary levy, and the Bill will take the usual course necessary for the regularity of the administration of a Recruitment Bill."

Why was the Emperor so careful to tell the people that he was not going to make an extraordinary levy of soldiers? Why, because he knows that in the only part of France where his main strength is—namely, among the peasantry of the provinces, if he had attempted an extraordinary levy of men such a measure would depopularise him with the people on whom he has relied for his power. But is this the way to carry on war with Russia? Did Napoleon I. do so? Did he say he wanted no extraordinary levies when he was about to invade Russia with an army of 500,000 men, with an army in reserve of 300,000 men? I tell the Emperor of France, as I tell you, that if you invade Russia, and fight her on her own soil, you must, if you intend to bring the war to a successful issue, have extraordinary levies of men both in France and England. When you see the Emperor of Russia issuing his ukases, and by one stroke of his pen ordering a levy of 250,000 men, do you think that you can carry on a successful contest with him with 30,000 men, or that you can do without having an extraordinary levy of troops? My complaint and accusation against the noble Lord at the head of the Government are this—that from the time he came into office he has not dealt fairly with the country—he has not laid before them the difficulties they will have to face, or what will be required to carry on the war. We have on the one hand had the newspapers stating that the country is enthusiastically in favour of the war, and on the other hand we have had the Government proposing a vote for the increase of the army, when they knew right well that the number permanently voted had not been enlisted. They do not, however, tell the country this; for I can point out a speech of the noble Lord's, made three months ago, in which he said the enlistment was going on most successfully; but I am sure, when you get the weekly returns, you will find that the enlistment was then in a most unsatisfactory state. And how are you dealing with the handful of brave men you have sent to the Crimea? Why, you are hurling your best blood against that vast fortress in the attempt to do that which every high military authority—Sir Howard Douglas, Sir William Napier, and others—tells you is hopeless, and that, until you invest Sebastopol and besiege it according to the ordinary and invariable rules of war, there is no chance of taking it. You know this, and yet you are carrying on the war under the pretence that you are fighting the battle for the liberties of all Europe. It is not very complimentary to tell all Europe that you are fighting for its liberties; neither do I think that the Germans, the Swedes, the Danes, the Swiss, or others, will feel it as a compliment to be told so; but if you do set up these mighty pretensions, do not show your impotence or use threats which you cannot carry out. I, as an advocate for peace, tell you that I think this war might have been avoided, but I share with the rest of you the ridicule which is heaped on this country by the boast and braggadocio which in the end are attended by such humble performances. We are like the Chinese, brandishing paper shields with tigers' heads on them, sounding gongs, and blustering in the face of the world and expecting it to be frightened at these our warlike preparations. We are now, probably, within a month of separating, and are we to leave the country in the hands of this Ministry, drifting on in this war, with no object avowed, and with nobody understanding what the object of the war is? I declare, for myself, let the noble Lord say what he will of a change in the Cabinet, that I would rather take the chances of such a change, and would infinitely rather see a Government formed of Members from the other side of the House brought over to this side to carry on the war. I think that this would give us a better chance of reconstituting an honest party, both in this House and in the country. I look back with regret on the vote which I gave on the Motion which changed Lord Derby's Government. I regret the result of that Motion, for it has cost the country 100 millions of treasure, and between 20,000 and 30,000 good lives. Do not let us, then, be frightened by the threat of a change of Ministry; anything will be better than allowing the country to go drifting on in this war as it is doing, without any one honestly declaring to it the object of the war. Does anybody profess to solve the mystery of what the war is carried on for? Is it to take Sebastopol? If it is, you must surround the place with 240,000 men, and starve the garrison out. Are you prepared to do that? Will you winter again in the Crimea, which I am told is now the talk in your camp? You had the opportunity of making peace, but the Government rejected the terms that were offered. You have estranged the other Powers of Europe from you, and left yourselves without any other important ally than France. How do you propose to succeed. Under these circumstances, I entreat this House to speak out its honest conviction. I see the danger that is before us in the loss of confidence in public men; and I only utter my own firm persuasion, when I say that I look upon the noble Lord's (Lord J. Russell's) conduct as striking the heaviest blow that has ever yet been dealt at that confidence. As I wish well to our representative system, I would earnestly exhort every Member of this House who aspires to be a statesman sedulously to shun the course which the noble Lord the Member for London has adopted in this momentous matter.

VISCOUNT PALMERSTON: Sir, I can very easily understand that the hon. Member for the West Riding, with his peculiar views, wishing to form a party that might place itself in a position to administer the affairs of the country, and I make it no matter of reproach or blame to him, and those who agree with him, that they should endeavour to do all they possibly can to realize the assertion—which I utterly deny to be founded in fact—that other public men in this country have lost the confidence of the nation. It is very natural for the hon. Gentleman to say that there are no men here to whom the country would look up and around whom it would rally at periods when it might be necessary for the public weal that there should be persons in whom it should repose its confidence. But I deny, Sir, that that is the fact. Setting aside all party feeling, I assert that on both sides of this House there are those in whom the nation would feel confidence, and around whom it would rally at moments such as the hon. Gentleman describes. In one respect at least, however, I believe the hon. Member's statement is perfectly true. Without meaning any disrespect to him or to those among whom he sits, I think they are the very last men to whom the country would be disposed, in such critical circumstances, to intrust its confidence. But, Sir, I consider that to indulge in this practice of endeavouring to decry every statesman in public estimation, and to represent every man in public life as being animated by feelings that are neither honourable to himself nor consistent with his duty, is rendering a very bad service to the country. I believe that it does no honour to those who pursue it; and of this I am convinced, relying, as I do, on the good sense of the people of England, that these political arts, instead of answering the ends of those who resort to them, or damaging those they are intended to ruin, will recoil upon the heads of their authors, and only lower in public opinion the character of the men who stoop to what I must term such unworthy expedients of furthering their political purposes. The hon. Gentleman has to-night adopted this system very lavishly, but I think most undeservedly, against my noble Friend (Lord John Russell). My noble Friend has pursued a course which I conceive to have been eminently becoming a person occupying his position. The hon. Gentleman, however, taunts him by implication with having been actuated by an unworthy desire to retain political place and power. Why, does not the recent conduct of my noble Friend acquit him at once from any such imputation? Surely the hon. Member cannot have forgotten that my noble Friend voluntarily resigned office on a late occasion. That circumstance plainly shows that whenever he conceives that his public duty is incompatible with the retention of office he is ready to retire and to revert to that position which he thinks more consistent with the opinions he may entertain. Sir, my noble Friend went as Plenipotentiary to Vienna; and he returned home in the double capacity of a Plenipotentiary and a Member of Her Majesty's Government. My noble Friend held the opinions which he has stated as to the proposal which Austria thought might be made with success to Russia. As Plenipotentiary my noble Friend was perfectly right in undertaking to propose that arrangement to his Government, as M. Drouyn de Lhuys was justified in undertaking to propose it to the Government of France. But neither M. Drouyn de Lhuys nor my noble Friend could undertake to do more than this, than to lay each before his respective Government the ideas which the Austrian Government entertained; because the Allied Governments must necessarily have been left masters of their own decision upon a question of such vast and paramount importance. My noble Friend, as a Member of the Cabinet, was perfectly warranted in recommending a particular measure to his colleagues for adoption; but it would be a perfectly novel doctrine to assert that every Member of a Cabinet must insist that the proposal which he thinks one worthy of acceptance shall either be actually accepted by the Government to which he belongs, or must relinquish his connection with it. Why, Sir, if that were to become the ruling principle of Cabinets, I say that no Cabinet could possibly hold together for any conceivable length of time,—because twelve or fourteen public men associated in a Government, however perfectly united on general principles, must necessarily on many occasions differ in opinion upon particular measures; and the only way in which parties can be kept in combination, or Governments can act harmoniously, is by the interchange of individual sentiments to come at last to some final determination, those upon the one side or the other giving up their individual views on particular questions in order to secure joint action upon great general principles. The hon. Gentleman twits my noble Friend with having since he returned from Vienna made a speech here in which he pointed out the ambitious projects of Russia, and the dangers that would arise to Europe from the continued advance of that Power's system of aggressive policy; and he seems to think there is something inconsistent between that speech and the opinions which my noble Friend entertained as to a particular project of accommodation; but, in reality, nothing on earth could be more reconcilable than the two—there is nothing in the one that is at variance with the other. Surely my noble Friend might regard a particular form of arrangement as deserving of the consideration of the Government, and yet on that account be none the less impressed with the perils to Europe arising from the aggressive ambition which is well known to have for a long time characterised the course of Russia; and he was perfectly right, when these questions were under discussion in this House, in expressing the same opinions which from the beginning of these discussions he has always held. Sir, the Governments of France and England, each upon reasons of its own, thought the proposal of Austria was not one which, under the circumstances in which we then stood, it was advisable to entertain. The question was most earnestly and anxiously deliberated upon, and the decision was not come to in a hasty manner, or upon light grounds. We considered that the proposal did not hold out to us the prospect of that future security for, and that reality of peace, which we felt ourselves bound to obtain after such great exertions and such large sacrifices as those that we had made; and on that ground the two Governments—equally, upon their own reflection—determined that the proposition was one which they could not authorise Austria to make in their name to Russia. We thought that to leave the Russian fleet in the Black Sea to an indefinite augmentation, with no other security than this, that we and France, when called upon by the Sultan, might each send a fleet equal to one half the amount of that of Russia, might lead, and probably would lead, to the accumulation of a vast maritime force in the Euxine, which, threatening the safety of Constantinople, and capable at any moment of conveying a large body of troops to the shores of Turkey, so far from offering a guarantee for a real and substantial peace, would, on the contrary, give to the relations between Turkey and the Western Powers on the one side, and between them and Russia on the other, the character of an armed peace rather than that of an unsuspecting pacification. The hon. Member, however, thinks that we have carried on the war without knowing the purpose for which it is waged. He says there is not a man in the country who really understands what we are fighting for; and the right hon. Member for Manchester, in the same strain, tells us that he should be at a loss to explain to anybody who might put the question to him what the country is now called on to contend about. Well I do not of course know how far the right hon. Gentleman (Mr. M. Gibson) might be able to give the explanation he describes; but this I undertake to say, that there is scarcely a peasant in England who needs such an explanation, or who does not comprehend for what object the war is now being prosecuted. The hon. Member wishes, in truth, to learn, not the purpose for which the contest is carried on, but the method in which it is to be conducted. He wants to know whether Sebastopol is to be regularly invested;—he wants to be told what our army is to do, whether, for instance, it is to winter in the Crimea; and, in short, he would like Government to publish for his information all our plans and intended operations. Surely, however, these are not questions which the Government can be reasonably expected to answer. I say that the object of the war is to curb the ambitious designs of Russia in regard to Turkey, to establish a state of peace for the security of Turkey, and, through Turkey, for the security of Europe; and until that is accomplished I conceive that the purposes would not be attained for which we embarked in this conflict. The hon. Gentleman treats very lightly the results of the operations which have been already undertaken. According to him, it would appear that nothing has occurred but failure and disaster to our arms. Why, Sir, every fair and candid man comparing the position in which Russia stood at the commencement of this war with that in which she stands now must confess that we have gained considerable advantages, and that Russia is by no means so well off either in a political, diplomatic, or military point of view as she was when the war began. We have cooped up her fleet in the Baltic now for two summers—that position at Bomarsund, which threatened to become another Cronstadt, has been entirely destroyed, and Russia has not ventured to reoccupy it. The right hon. Gentleman says we boasted that we should take Cronstadt—but indeed we never did any such thing. No man who knew anything of the strength of that fortress ever could have held out any expectation of that sort, and it is a complete perversion of the answer given by the late First Lord of the Admiralty, to which the right hon. Gentleman alluded, to say that it implied any such expectation. We have, however, obtained great and important advantages in the Baltic. In the Principalities the Russian forces have been compelled to retire, not as has been very properly stated —by the action of the French and English troops—though of course their presence at Varna contributed to that retreat in some degree—but mainly by the position which

Austria assumed in that quarter. Is it nothing, then, that Austria should have been pursuaded so far to take part with England and France as by the engagement which she made with Turkey, and by the military attitude which she assumed to obtain for Turkey and the allies the total evacuation of the Principalities? That, I say, is a proof that both by diplomacy as well as by arms great progress has been made in curbing the ambition of Russia and defeating her plans. The right hon. Gentleman says that at the commencement of the war I found it convenient to talk about the emancipation of Poland and the independence of Hungary: but I assure the right hon. Gentleman that I never talked of any such thing. The right hon. Gentleman dreams and imagines things, and then quietly states them as if they were acknowledged facts.

MR. MILNER GIBSON: I beg the noble Lord's pardon—I certainly remember hearing the noble Lord distinctly say, with reference to Poland, that the position of that country was a standing menace to Germany.

VISCOUNT PALMERSTON: No doubt I did say that the position of Poland was a standing menace to Germany; but did the right hon. Gentleman ever hear me say that England and France were going on a crusade to expel the Russians from Poland? When I made the statement to which the right hon. Gentleman refers, I accompanied it with another, which he might just as well have recollected, to the effect that it was by the German Powers —Austria and Prussia—alone that that position could be altered; and that it was by them alone that Poland could be wrested from the dominion of Russia. I stated distinctly that it was impossible for England and France to undertake such a work, but that whenever Austria and Prussia should feel themselves called upon to take up arms in this quarrel, they would find that the position of Poland was the one against which they would have in the first place to guard themselves. As to the independence of Hungary, when did the right hon. Gentleman ever hear me say that one of the objects of the war was to sever Hungary from the Austrian empire? Every word I have ever uttered with regard to Hungary has been quite in a contrary sense. I have stated, on the contrary, that I should consider it a calamity to Europe if the separation of Hungary from Austria were to destroy the Austrian Empire, the existence of which in the centre of Europe I consider of the utmost importance to the general interests and welfare of the European community. I had opinions of my own, indeed, as to the justice of certain questions which arose some years ago between Hungary and Austria; but I never for an instant stated at any time that I thought the separation of Hungary from Austria would be other than calamitous to the general welfare of Europe; and certainly never did anything fall from me or from any Member of Her Majesty's Government which could in the slightest degree warrant the assertion of the right hon. Gentleman that the independence of Hungary was any part of the object for which the war against Russia was undertaken. Well, then, how do we stand in the Black Sea? In the Black Sea one half of the fleet of Russia has been destroyed by their own hands, the rest has been cooped up, and we may fairly expect that, when success crowns our arms in the Crimea, the remainder of that fleet will fall into our possession. The Sea of Azoff, which was the great source of supply for the Russian army in the Crimea, has been completely closed by the enterprise and gallantry of the naval and military forces of the allies, and the Russian forces are thereby now placed in great difficulties with regard to the supply both of munitions of war and of provisions; therefore our actual position is this—that whereas at the beginning of the war Russia had actually invaded the territory of our ally, now we have not only forced her to evacuate the territory of our ally, but we are occupying an important position within her territory. Therefore I am justified in saying that our position now is very much better than it was at the beginning of the war. The hon. Gentleman who spoke last (Mr. Cobden) wants to know if we expect to conquer the Crimea with 30,000 men. But instead of 30,000 men, let me point out to him that there are at least 180,000 men of the allies there at the present moment. The events of the future are beyond the prescience of man, but there is every reason to believe that before a very long time has elapsed we shall find ourselves successful in the expedition which we have undertaken. Some Gentlemen, I know, contend that it was unwise to send an expedition to the Crimea; but I totally differ from that opinion. To have sent an army to invade the Russian territories in the south—to have sent an army into Bessarabia to wander about in the vast deserts which stretch up towards Moscow—would indeed have been an act of great military folly. The object was to strike at the centre of the Russian power in the Black Sea; and that point was the Crimea and Sebastopol. Whatever may be the difficulties which we have had to encounter—and no doubt they have been greater than was expected—yet I am of the same opinion now as I was when the expedition was first planned and ordered, that that was the point to be struck at—that it was in the Crimea and at Sebastopol that the most effectual blow could be given to the preponderance of Russia in the Black Sea; and that whatever exertions might be required for its accomplishment that was the purpose which ought to be carried out, and that was the point to which the French and British forces should be directed.

The hon. Gentleman says he thinks it high time that the Government should be placed in other hands, and that he regrets extremely the vote which he gave some time ago when hon. Gentlemen opposite were placed on the Opposition benches. I suppose I am to infer from that, when next a vote is proposed which shall have for its tendency to remove us who sit here and to put hon. Gentlemen opposite in our places, the hon. Member for the West Riding will be found among those who are willing to affirm such a proposition; we shall thus have the Members of the Peace Society voting to place in power a set of Gentlemen who, to their honour I say it, are, as far as we can judge from the language which they have held in this House, as determined to carry on the war with vigour and energy as those who sit here. How far the hon. Gentleman and those who act with him may think, by frequent changes of Government, at last to shake the confidence of the public in those men into whose hands the administration of affairs has hitherto been entrusted, and to induce the people in despair at last to turn to them, I do not know; but I think the hon. Gentlemen will find that that speculation will not answer. They will find that whether they put in office the Gentlemen who now sit on the other side, or maintain in office those who now hold it, the manly and determined spirit of the country is not to be broken by the speeches which they make here and elsewhere, and that the people will not support any Government but one which will carry on the war with a full determination to bring it to a successful issue; and they will find, too, that the country will not submit for a single week to a Government conducted on the principles which are advocated by the hon. Member for the West Riding and the two hon. Members for Manchester.

I have only to add that, in my humble opinion, no blame can attach to my noble Friend for the part which he has taken in these transactions. I am convinced that in the policy of the Government in declining the propositions made by Austria, and in the mode in which we have conducted the operations of the war, we have only been fulfilling that which is the decided and determined will of the people of this country. I entertain the most perfect confidence that, notwithstanding the prophecies of failure which come to us from time to time, from Gentlemen who sit on those benches, we shall, by the help of Providence and the justice of our cause, lead the country to a successful termination of the struggle in which they are engaged, and that those hon. Gentlemen will find themselves just as much out in the calculations which they make, with respect to the probable issue of this struggle, as the hon. Member for the West Riding must now admit himself to have been when he told the country, with such an air of triumphant exultation, that he could crumple up the empire of Russia like a sheet of brown paper.

Mr. ROEBUCK: It appears to me, Sir, that the subject before the House resolves itself into two very simple questions; the one being the conduct of the noble Lord the Member for the City of London, and the other the wisdom or folly of having entered into the present war. I propose offering a few observations upon these two subjects, treating them separately and distinctly. On the first I agree with the hon. Member for the West Riding (Mr. Cobden), and on the other, with the noble Lord at the head of the Government. Now, first, with regard to the conduct of the noble Lord. The noble Lord at the head of the Government has stated that in a Government formed of several men agreeing in their general principles, there must exist some differences of opinion as to separate questions, and that, therefore, it is essential for carrying on the business of Government that there should be a certain compromise of opinion. Well, Sir, with that statement of the noble Lord I quite agree, and the only difficulty is to determine to what extent that compromise of opinion may fairly be carried; and I must say that, in my opinion, the noble Lord the Member for the City of London has shown us that his view of how far such compromise may be extended is inconsistent with all those principles of political honesty which ought to govern the conduct of public men. I shall now address myself to the course which has been pursued of late by the noble Lord. The noble Lord joined the Administration of Lord Aberdeen, and war was declared and carried on by that Administration until Parliament assembled at the beginning of this year. During the whole time that the war was being carried on by that Government, and until the meeting of Parliament, the Cabinet had the support and authority of the noble Lord. If there were any dissensions in the Cabinet, the public knew nothing of any such dissensions, and fully believed that its acts and every part of its policy and conduct received the sanction of the noble Lord. When Parliament assembled, I announced my intention of moving a certain Resolution in this House; and then, and not till then, the noble Lord took fright, and left his colleagues in the lurch; and then, for the first time, it transpired that there had been for a long time dissensions in the Cabinet. Dissensions upon what? Were they upon matters of minor importance? Were they upon some trivial matter upon which a set of men agreeing generally in principle might well differ, and yet cordially act together? No, Sir, not at all;—they were upon the vital matter of the war itself. When I proposed my Resolution the noble Lord left his colleagues, saying that he could not oppose the Resolution because he differed from his colleagues as to the conduct of the war. Upon what subject so vital or of such importance could he possibly have differed from them? and, differing from them upon such a question, ought he not, as a man having at heart the character of public men and the welfare of his country, many months before to have declared his opinion and to have deserted the Cabinet? But the noble Lord did no such thing. He allowed an army to dwindle into nothing, he allowed suffering unheard of to be the portion of that army, and, knowing at the time that the conduct of the war was unworthy of this country, that it was in hands unfitted for the task, he stood by and saw that great and gallant army melting away under every species of suffering—he remained in the Cabinet down to the period when notice of the Motion for the Sebastopol Committee was given. That is the first charge which I bring against the noble Lord, and for conduct such as I have described I accuse him, before the Commons of England, of a dereliction of duty as a public man. Well, Sir, what did the noble Lord do next? Having left the Cabinet of Lord Aberdeen, and having seen the struggles to form another, he did not accept office in the Cabinet which was constructed, but he did accept the office of Minister Plenipotentiary at the Conferences at Vienna. When he arrived there, he found four points proposed as the basis of the negotiation, two of them were readily agreed upon; but on the third point great differences of opinion were manifested between the representatives of Russia and those of the Western Powers. Austria at last proposed a plan which she supposed contained elements for a pacific solution; and to that plan the noble Lord assented, and stated confidentially to Count Buol that on his return home he would endeavour to press the adoption of that plan on the Government of this country. The noble Lord returned to this country in the double capacity of a Plenipotentiary and a Minister of the Crown, and the Conferences in which he had taken part were discussed in this House; and in that discussion the point upon which they had been broken off was especially referred to, and I ask this House, if any one could have learned from the speech made by the noble Lord what was the real condition in which he had left the conferences? And it is only to-night that the noble Lord has confessed what really took place. On that occasion the noble Lord led the House to assume that he agreed with his colleagues, when at that very time he entertained in his own mind an opinion totally different from that which they entertained, and at home he supported an opinion at variance with that which, as he had already confided to our allies, at Vienna received his sanction. I want to know whether a public man could possibly have committed any act so likely to compromise generally the opinions held by the country as to the characters of public men? It is all very well for the noble Lord at the head of the Government to say, that no sooner has any one taken power than he is assailed on all sides, or to view the voluntary departure from office of the noble Lord his colleague as a wonderful act of virtue; but the noble Lord seems to forget the circumstances under which his colleague resigned office. The noble Lord the Member for London left office because he was compelled to take that step; he then came into power, united to a Cabinet from which he differed wholly on the most vital question which could be brought before any Cabinet, the question of peace or war. If the noble Lord had differed from the noble Lord at the head of the Government on some question of internal legislation, he would have looked upon it as a matter of principle, and would not have joined his Government; but should not a difference of opinion on so important a subject as the war have been sufficient to induce him to leave a Cabinet whose views on that subject differed from his own? I want to know what affects the policy of this country more than peace or war? Talk of principle—why, is there no principle here? Is not the question of peace or war of more importance than any internal legislation?

Well, Sir, having expressed my sincere opinion as to the conduct of the noble Lord, I will now proceed to address myself to the second question—namely, the wisdom or folly of the war itself. The right hon. Gentleman the Member for Manchester (Mr. M. Gibson), has stated that he cannot understand the objects for which we went to war. Well, Sir, I will endeavour to tell him in a manner which, although it may appear adapted rather for schoolboys, will very clearly explain my views on this subject. There was at one period in the history of the world a set of republics, in the midst of which a Power arose, and gradually but certainly increased in extent until it obtained dominion over the rest. Europe is a similar combination of separate States, in which there has been rising up in a similar manner a great Power, which has appeared likely to overshadow all those States and to acquire universal dominion. The first combination of States to which I have referred were the Greek republics; the power which obtained dominion over them was the power of Philip of Macedon; the second is Europe, and the Emperor of Russia is the aspirant to general dominion; and, just in the same way as the far-seeing statesmen of that age pointed out the increasing power of Philip and the dangers arising from that increase, so can the far-seeing statesman of modern Europe point out the overgrown and gradually increasing power of Russia; and from the history of the Greek republics, they can deduce the lesson that it is for the interest of Europe to oppose that increase. The immediate cause of the war—the invasion of Turkey—was a flagrant breach of the law of nations on the part of Russia—not the first breach of which she has been guilty, but one which proved that the danger had at last grown so gigantic, that our peace-loving and peace-following people took affright and saw the necessity of opposing the further aggrandisement of Russia. In doing so, I, for one, think that we have acted wisely, and, indeed, I think we should have acted wisely in doing so before. The far-seeing mind of the great Napoleon had recognised the danger to Europe of the increase of the power of Russia, and we at length have recognised the wisdom of his apprehension. It is all very well for the right hon. Gentleman the Member for Manchester to talk of the horrors of war, of which we are all aware, or of the dangers we incur—with those we are acquainted; but it is not considerations of such a nature which should drive us from the pursuit of that which our interests manifestly require. This is a question which it behoves every man freely to speak out upon, and, if he is invested with power by his fellow men, he is bound to face it openly, and avow his opinion, no matter what may be the consequence. I have no doubt, with my right hon. Friend, that the people of this country will in a very short time get quite tired of this war, and that we, who are now on the popular side, will have to encounter much obloquy. I am prepared for that; but being prepared, and knowing what may occur, knowing that disasters may happen to our arms by reason of the war, yet I consider that for the honour and safety of this country the war was necessary, and I am quite satisfied that it was just.

LORD CLAUD HAMILTON observed, that nothing could be more unsatisfactory than the speech of the noble Lord at the head of the Government, and it was a most significant fact that, notwithstanding all the aid of personal talent and influence of position, he had failed to elicit a single cheer. Every one must be aware that the state of our policy and our position abroad was anything but satisfactory, and yet what reply did the noble Lord give to the question so properly put by the right hon. Gentleman the Member for Manchester? He told the House that it was monstrous to pretend ignorance of the objects of the war, and that every peasant knew them. If so, the peasantry were more enlightened than hon. Gentlemen in that House, for they had been trying, he did not know how long, to elicit from Her Majesty's Government some distinct statement of the real objects which the Government had in view. Were they to go back to the Four Points and the Conferences at Vienna? The noble Lord the Member for the City of London was so satisfied with the last proposition at those conferences that he said he would accept it; that the French Plenipotentiary would co-operate with him; and that they would press it on their respective Governments. If that was the case, how could the noble Lord treat the question so lightly now? He wanted to know why it was that the Government had refused to take this advice, and had ignored the opinion of their Plenipotentiary? Having done so, they were bound to tell the House what further they were seeking? It was true that the war at present was popular, but it demanded daily victims; the people had a conscience, and they would become restless and unquiet, unless it could be clearly shown that the Government were justified in carrying on that war. But the noble Lord gave not the slightest explanation; and, when the question was pressed upon him, the noble Lord attempted to raise a cheer and draw off the attention of the House from the question by an allusion to the position of Russia. But what, he would ask, was the state of that Power to support which this country had plunged into war? What benefit had we conferred upon Turkey? Where were the large internal reforms promised, the flourishing finances, the spirit of freedom and toleration that was to be introduced? Was there the slightest trace of it? Was it not, on the contrary, the fact that every single spark of vitality had been extinguished in that country? Did the despatches from the East even condescend to mention the Turkish losses; and was not a large portion of the Turkish army looked upon as less valuable than even the beasts of burden of the allied armies? Surely, there must be something rotten at the bottom of the cause, when the very State for which all these exertions, all these displays of heroism were made, was in so unsatisfactory a condition. It was perfectly clear that, whatever might be the result of this war, as it affected the other States of Europe, it could not be of the slightest advantage either to the moral, financial, or physical condition of Turkey. There was one part of the noble Lord's speech on which he (Lord C. Hamilton) could not help observing, and which he had heard with considerable astonishment. The noble Lord had actually spoken of the satisfactory state of the Danubian Principalities, and appeared to congratulate the inhabitants of Moldavia and Wallachia on possessing the kind and friendly assistance of Austria. If the noble Lord really entertained the opinion that the people of those Principalities had cause to rejoice in the friendly offices of Austria, he must view the state of those provinces in a light which to him (Lord C. Hamilton) was inexplicable. However, the question which the House at this moment had to consider was the war—what was its object, and what were the means by which that object was to be achieved. The noble Lord had not told the House these things. All that he did, was to call upon the House to support him in carrying on the war, although the noble Lord had not even shown any confidence in his own negotiator. The House was bound not to give the noble Lord that support until he had stated what the real objects of the war were, and what were the means by which they were to be attained.

MR. DISRAELI: Sir, although I wish to make a few observations before this debate closes, I shall most scrupulously avoid, on this occasion and at this late hour of the evening, entering into any discussion as to the conduct of the war. This evening is memorable, and will long be memorable, in the history of this country, for the revelations and for the confessions on the part of a Minister of State holding a very high and peculiar position—confessions and revelations which, probably, have not been before equalled in the memory of any man living. What have we heard to-night so unexpectedly, and which, if I am not mistaken, is destined to impress itself so seriously and painfully on the minds and opinions of this nation? We have had to-night an admission from the noble Lord the Secretary of State for the Colonies, who was recently employed by his Sovereign in the high position of Minister Plenipotentiary to negotiate on a subject of no less moment than that of peace or war, that, after having given, as he has admitted, great care and anxiety to the prosecution of his labours, he arrived at a favourable solution of the difficulties with which he had to contend, and had in his own mind accomplished measures which would have secured peace for this country, and that to recommend these measures to the Government which had employed him he returned to England. Strange to say, it seems the noble Lord found no sympathy on the part of his colleagues. They did not agree in the policy which he recommended. They decided upon a course totally adverse to that which he wished to sanction. They decided on a course no less decisive than the prosecution of that war which in his opinion ought to have terminated. The noble Lord accedes to the suggestions of his colleagues. He remains in the Cabinet of which he was a Member during the negotiations; he remains in that Cabinet—a Minister of Peace—and, as a Member of that Cabinet, he recommends the vigorous prosecution of that war in his place in this House. Sir, the reasons which the noble Lord has given for this extraordinary course appear to me no less singular than his conduct. This is no slight question. The hon. and learned Gentleman who has preceded me in this debate has fairly said, that it may be considered as the most important of all political questions. There is hardly a Member of this House who would place any measure to regulate our internal condition, however high its aim, in the same category as a question whether peace should be accomplished or whether war should be prosecuted. The noble Lord has told us to-night, notwithstanding it was his conviction that peace might be obtained and ought to be obtained, that he considered it his duty to support the policy of war, and which he has accordingly done, both as an eminent Member of the Cabinet and of this House. The noble Lord has rested the vindication of his course on a principle which, according to his version, is calculated to raise his character as a public man, who, by so acting, has absolutely sacrificed his own feelings to his sense of public duty. I may differ from the views which the noble Lord has taken on this subject; but I think that the question of peace or war, especially under the circumstances in which this country finds itself at present, is one that ought not to be an open question. Lax as have been the rules and regulations in recent Cabinets with regard to open questions, I certainly cannot conceal my surprise at learning to-night, from high authority, that peace and war are open questions in the existing Administration. But what I want to ask, after these extraordinary revelations of the Minister, is this—is this House for peace or for war? Because whatever may be the opinions of hon. Gentlemen, whatever the opinions of those Gentlemen who with great ability advocate their views in favour of peace, or those of Gentlemen on this and on the other side of the House, who think that the war should be prosecuted with vigour and energy, still I shall assume that we must all be of this mind, that there is very little chance of either obtaining a satisfactory peace or prosecuting a successful war if in the very bosom of the Cabinet such contrary sentiments prevail; and if the most eminent Members in the councils of Her Majesty are influenced by ideas so conflicting on questions so vital. The question of peace or war must always in all countries, but especially in a free country, be a subject of controversy; but all parties, nevertheless, will agree in this, that, whether we are to have peace or war, Her Majesty's Ministers ought at any rate to be unanimous on the point. I cannot, indeed, see any chance of efficient and vigorous action in either respect or for either result if the present state of affairs continues such as it has been described to us to-night with startling candour by the noble Lord the Secretary of State, whose revelations will, I doubt not, long linger in the ears of the people of this country.

But what I particularly rose for on the present occasion was to notice some observations which have fallen from the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) and others, which appear to me to require some comment. The right hon. Member for Manchester, who has very properly called the attention of the House to-night to this strange state of affairs, dwelt on the singular inconsistency and alarming incongruity existing between the secret and avowed opinions of the Government. The right hon. Gentleman very properly touched on the want of confidence and the distrust which must be created in the public mind, when the course of policy pursued by our Government at Vienna, for example, is contrasted with another course of policy, apparently advocated by the Government in this House. How, I wish to know, are we to describe such a state of affairs, except by such expressions as "ambiguous language and uncertain conduct"? Permit me to observe that some six weeks ago, having learnt that we were on the eve of concluding a peace, to which I will in a moment refer—on terms which I believed to be impolitic, unsatisfactory, and, what is more, impracticable—having heard, at the same time, in this House that war was to be conducted on a still larger scale than before, and with a still more vigorous spirit —having learnt in one place that a successful Plenipotentiary was to bring home with him a treaty to be ratified; and, finding here a leader of the House—apparently promising to the country an interminable vista of hostilities, I thought it my duty to ask the House whether, under these circumstances, it was not desirable to put an end to this "ambiguous language and uncertain conduct?" Events have since vindicated the course I then took. The present position of this House, and the extraordinary speech of the Secretary of State to-night, have vindicated the course I then took. There is not a Member of this House who does not now feel that the country has suffered from this "ambiguous language and uncertain conduct;" and yet the very first Gentleman who went out into the lobby against the expression by the House of that truth was, I am sorry to say, the right hon. Gentleman the Member for Manchester. Well, in what position does the House of Commons—nearly at the end of its Session—find itself, by voting in the teeth of evidence which could not be resisted, and in opposition to coming events of which men who ought to have been informed should not at the time have been utterly uncognizant? In what position, I ask, does the House of Commons place itself, when it finds now at the end of the Session that it has lost every opportunity of vindicating the policy it ought to have pursued? I say, I had reason to believe that a peace was about to be concluded at Vienna on terms impolitic, unsatisfactory, and which ultimately would have been found impracticable. For that reason I was opposed to such a peace, and wished the House to interfere, and with its influence, as far as it could prevail, to prevent it. I do not say that I am on that account an advocate of those interminable hostilities we have heard of, of a war which is to be waged without end and without purpose. On the contrary—though this is not the occasion for doing so — I shall never shrink on the right opportunity from laying down the principles on which I think a peace, and a lasting peace, so far as human affairs permit, might be attained. I have already on a former occasion referred to some of the modes by which such a peace might be established, and to-night I shall not again advert to them even by implication. But that a peace may be obtained that will secure the independence of that part of the world which we look on as the main element of the political balance we wish to uphold, I firmly believe, and I equally believe that it could not have been obtained by the plan which the noble Lord so easily accepted and so cordially sanctioned at Vienna. I wish, then, to know what is the position in which this country now finds itself with respect to the prosecution of this war in consequence of the confessions of the Minister to-night? Two years ago, or less, when the whole country and the House were complaining of the great neglect displayed by the Administration of this country in preparing for the war then impending, what was the excuse made for ten precious months which had been wasted? It was that we were preparing and securing those great alliances without which there would be little prospect of the war being waged with success. Well, I want to know what probability there is of our obtaining the assistance of what were styled by a Member of the then Government the great German Powers, after the admission made to-night by a leading Member of the Government? How can we appeal again to Prussia, or ask any European Power to assist us in this struggle, when we have acknowledged to Europe that just terms have been proposed by Austria on which peace might be obtained —when that has been acknowledged by our Plenipotentiary extraordinary and one of our leading statesmen? Will not Austria, Prussia, or any other State turn round, and reply to the demands of our Ministers, "We do not at all agree with you in the necessity of making renewed efforts to curb the ambition of Russia; we think that the elements of a durable peace are in the power of able managers of circumstances, and our authority for so thinking is the distinguished Statesman you sent to Vienna to represent your interests, and to advocate such a settlement of these disturbed relations as might appear most advantageous." Well, then, I say that the effect of the debate to-night on our prospect of conducting this war with success is of very evil tendency. Nor is it merely on our alliances that the admissions of the noble Lord will have injurious consequences. Whenever we enter into negotiations again with Russia, there is upon record—placed there by the noble Lord as a guide to Russia—a statement of what we consider our just demands might require. Whether, therefore, we look to our alliances or contemplate negotiations with our enemy—whether we look to the influence of public opinion in this country, of those who advocate war or who wish to accomplish peace —an equally injurious effect will be created by the extraordinary communications made to the House to-night by the Secretary of State. Let us, then, look to the position of the individual—the noble Lord himself—with respect to this question. If we had employed some distinguished diplomatist not connected with politics or with the Government, the evil effects I have referred to would not have been so embarrassing. He might have formed his own opinion on the matter, which statesmen of more extended and more varied experience would not have felt authorised to adopt. But our Plenipotentiary at Vienna was a Member of the Cabinet, and one of the most eminent Members of the Cabinet. When he goes to Vienna he does not go there, as the noble Lord told us the other night, with instructions merely. He may, indeed, have had formal instructions, but he goes there with an intimate acquaintance with the views, the mind, and the policy of the statesmen whom he has left behind him in the Cabinet, and with whom he has worked for years. Therefore, when the noble Lord accepted the proposition of Count Buol, the Austrian Minister, it was not merely in the character of the English Plenipotentiary that he accepted it and agreed to recommend it to the Government that had employed him, but it was as a Minister of England that he accepted that proposition. It was the Minister of England who, by that acceptance, indicated their policy, and, whatever may have been the subsequent conduct of the Government, there is an impression which is ineradicable in the Cabinets of the Continent, that when the noble Lord accepted and sanctioned that proposition, he represented, and fairly represented, the mind and policy of his Cabinet.

If that be a fact—and I question whether any impartial man can for a moment doubt the position—we come again to this point: what is the object of the war? What are the ends which we propose to ourselves? I am not going now to obtrude them upon the House; but I have in my own mind an idea of what should be our object in carrying on this war. There are many who may not agree with me, and who may have other objects—some may have very extreme views, others more moderate and temperate ones; but I take it for granted that the great majority of those who support the war have, in their own minds, some result which would, in their opinion, repay this country for the great efforts that have been made, and which would, to a great degree, if not entirely, accomplish the purposes which they are desirous to secure. But that is not the position of Her Majesty's Ministers. Her Majesty's Ministers, in accepting the proposition of Austria, have practically recognised that they are not justified in continuing the war any further; and, if that be the case, I ask you with what chance of success can such a Cabinet appeal to the energies of this nation to support them? How could you expect that a great people—millions of men, who may be guided by a sound instinct upon such great questions as the war, but who have neither the time nor the mind, perhaps, to enter into all the considerations that ought to form opinion — how can you expect that the millions will support you, and will endure the sacrifices which they must be prepared to bear, when they know that in your thoughts you have a scheme which proves that the sacrifices which you call upon them to make are not necessary, and that the object for which they are struggling is a mere phantom, which a message from Vienna may to-morrow dissipate? Sir, there is nothing, in my mind, which should be a source of greater sorrow to this nation at the present moment than the thorough indefiniteness of our position with respect to the war in which we are engaged, coupled as it is with the consideration, which from this night every one must feel, that Her Majesty's Ministers are carrying on a war which, by their own admission six weeks ago, they thought to be perfectly unnecessary. Well, then, Sir, I want to know why the noble Lord's colleagues did not ratify his labours when he returned to England—always assuming that those labours were accomplished in complete deference to their previous judgment, and in harmony with the views which they had the opportunity so often of conferring upon together? What happened, I want to know, in this country, which induced the noble Lord (Viscount Palmerston) not to sanction the labours of his eminent colleague the Plenipotentiary? I think that the noble Lord has a right, generally speaking, and under ordinary circumstances, as First Minister, to exercise a great reserve in the expression of his opinions both as to the policy of his Government and the circumstances which may influence his own conduct; but when we find that the Member of a Cabinet sent to negotiate a peace succeeds in negotiating a peace—for virtually that was the result of the mission—and when we find the Plenipotentiary, with his labours not ratified, remaining a Member of the Cabinet, then we have a right to expect from a Government so constituted and so situated a frank exposition of the reasons which induced the noble Lord not to accept the result of the labours of his colleague. Were they not sufficient? Had Russia, by the terms which the noble Lord approved, not been considered to have made a sufficient sacrifice? Well, that is a fair objection; but then you must tell us what is the sacrifice to be made by Russia that will satisfy you. If you think that the terms were not sufficiently severe, you ought to tell us, without, of course, binding yourselves to what you deem such details. If you ask the country to continue its efforts, you ought to tell us, generally, what are the general conditions which you would consider more satisfactory. Unless you deal frankly with the people of this country in the condition in which you are placed, I say that it is totally impossible to carry on this war with the vigour which is necessary to success. What chance have you of creating or maintaining enthusiasm in the people if the suspicion gets abroad, as it must do after the debate of to-night, that you are making of the question of peace or war merely the means of maintaining yourselves in office; that peace and war are convenient or incommodious just as they may create or influence a majority. If such an idea ever becomes prevalent in the country, I know nothing which would more deaden the spirit of the country, and which would more tend to prevent your calling with effect upon the people to make great exertions and sacrifices, than so mournful a conviction being impressed upon their minds. And how are you to extricate yourselves from the peculiar difficulties in which you are now placed? How are you to remove all those disadvantages except by coming forward frankly and speaking to the House and to the country after this fashion: "Our eminent colleague exerted himself for a great object. We are of course, as all are, favourable to peace; but our colleague was too zealous for the good cause in which he embarked —he made admissions which we considered fatal to the interests of the country, and we could not support him in the course he took. We do not think that he showed that prescience, that acquaintance with the subject, that statesmanlike sagacity that are necessary. It is painful for us to make these admissions: but we must do our duty to our country, and we tell you that the noble Lord entered into arrangements which we entirely disapprove. Our policy is different. The policy which we intend to pursue is one of great vigour, which aims at great results, which will not be satisfied unless the power of Russia is materially reduced, and it is entirely opposed to the policy which the noble Lord pursued." But then, unfortunately, under such circumstances, the noble Lord the Secretary of State would probably find it necessary to quit the Cabinet of which he is so important a member. Well, then, has it come to this? Is this to be the end of this important Session?—the end of breaking up so many Governments?—the end of our great efforts—our great disasters—of the struggle in which the nation has engaged?—of that Government, at the head of which we were to have a Minister of surpassing energy, and, no doubt, transcendent experience? Is this the end of the Ministry which was to put the right men in the right places? Is this the end —that even peace and war have become mere party considerations, that the interests of the country are sacrificed to the menace of a majority, and that the turbulent assemblies of Downing Street are to baffle all the sagacity of all the Conferences of Vienna?

SIR GEORGE GREY: Sir, it was not my intention to take any part in this discussion, but I cannot refrain from making a few observations in consequence of the erroneous construction which has been placed by the right hon. Gentleman on the statement of my noble Friend. He began by stating that my noble Friend, having gone to Vienna as the Plenipotentiary of this country, to negotiate an honourable peace, left Vienna, having accomplished, in his opinion, the object for which he went there, and having brought home the means of a satisfactory and honourable solution of the question, which might be accepted by the Government at home. The same fallacy pervaded the whole speech of the right hon. Gentleman. He assumed that my noble Friend had brought home, not the terms of a proposition which it was his wish to make to Russia with the previous concurrence of the Allied Powers, but the terms of a proposition to which Austria pledged herself that Russia would assent. Nothing could be further from the fact. What was the course of those negotiations? My noble Friend, in conjunction with the Plenipotentiaries of Austria, France, and Turkey, proposed terms, on which the Allied Powers conceived the third point might be satisfactorily solved. Austria cordially supported that proposal; but it was distinctly and decidedly rejected by Russia, with an intimation that to the principle of a limitation of her flag in the Black Sea she could in no case and to no extent agree. From that time—the negotiations being broken off—Austria, in accordance with the views she had uniformly put forth, that she was called upon to exhaust every effort for peace, endeavoured to find some other means of solution. In the communications between my noble Friend and the Austrian Plenipotentiary, the proposition which has been so much referred to this evening was then made; but that proposal was never made by Austria with the slightest intimation that it would be accepted by Russia, and, when it came before Her Majesty's Government, one most important element in our consideration was, what would be the result of making such a proposition to Russia — assuming that the terms contained were terms on which an honourable peace might be made? It contained terms which, though they varied from those which had been already proposed to and rejected by Russia, we thought were not more favourable than those we had before proposed; and they were terms involving again a limitation of the Russian fleet in the Black Sea to which that Power had already declared that she would never accede. Austria, as I have said, invited us to concur in making that proposal to Russia, but she did not make the slightest intimation that Russia would accept them; the fact, indeed, is strongly impressed on my mind that there was an intimation from Austria that she had no expectation that those terms would be accepted, with a further intimation that we were not, in the event of their rejection, to count upon her with any certainty becoming a belligerent. We thought it was not consistent with the dignity and honour of this country, acting in conjunction with France and Turkey, nor likely to forward the great object we had in view, to go almost as suppliants to Russia, which had rejected our terms, to go to her at the bidding of Austria, and to offer her fresh terms, with almost the certainty that she would again reject those terms, and at the same time, without having any hope that by so doing we should induce Austria to advance one step in the direction of becoming a belligerent Power. That is a totally different statement of the facts of the case from that of the right hon. Gentleman. If those proposals had come from Russia—had Russia come to us, saying that she was now ready to accede to a limitation of her Black Sea fleet—that would have been an entirely different matter. I was only anxious to correct a misconception of the statement of my noble Friend—a misconception which would have led to very great public inconvenience. The right hon. Gentleman also assumes that there exists now a difference of opinion—that the Cabinet is not united as to the justice and necessity of the war, or as to the mode of prosecuting it, or that a vigorous prosecution of it, or the accomplishment of the objects for which it was undertaken, is at all essential to the interests of the country. Sir, I am not conscious of any such difference. I believe I am acting with colleagues, every one of whom is convinced of the justice and necessity of the war, and is agreed as to the course we are pursuing and ought to pursue. I hold that every man who is engaged in the conduct of a war ought to feel that it is a just and necessary war, and ought to have a perfect coincidence of opinion with his colleagues as to the mode of prosecuting it; and whatever differences there may have been as to the policy of making one proposal or another to Russia, the question of the policy of prosecuting the war is a totally different matter; and I say, that in respect to the prosecution of the war, we are a united Cabinet.

VISCOUNT GODERICH wished to put a question to the noble Lord at the head of the Government, in consequence of what had just fallen from the right hon. Baronet the Secretary for the Home Department, for he conceived there was on one point a great difference between what had fallen from him and what had been stated by the noble Lord the Member for the City of London. He understood the noble Lord to say that the proposition which Count Buol suggested to him at Vienna was to be made by the Austrian Government, and sent by them to St. Petersburg as an *ultimatum*, and that if the terms were refused by the Russian Government the Austrian Ambassador at St. Petersburg would quit that city, and Austria would enter into a military alliance with England and France. The right hon. Gentleman the Secretary for the Home Department, on the contrary, tells the House that the reason why the proposition was not accepted by the Cabinet was, that the Austrian Government held out no hopes that they would consider its rejection by Russia a *casus belli*. It was impossible to reconcile these two statements, and he asked the Government to give some explanation that would enable the House and the country to understand the true state of the question, which at present was altogether inexplicable.

SIR G. GREY wished to correct the representation made by the noble Lord of what he had said. He did not say the reason why the Cabinet rejected the proposition was that Austria held out no hopes that she would become a belligerent Power in the event of its being refused by Russia. What he said was this, that one important consideration in his own mind, and no doubt that of others, with respect to the proposal was, that Austria gave no certain expectation that it would be accepted.

MAYNOOTH REPORT.

MR. SPOONER took occasion to state that a communication had passed between himself and the noble Lord at the head of the Government that evening, with regard to a Motion which he had announced it to be his intention to bring forward, in relation to the evidence which had been taken before the Commissioners who had been appointed to inquire into the state of Maynooth College. From what had passed between the noble Lord and himself in that communication, he had been induced to believe that the noble Lord was prepared to give his assent to the form of notice which had been agreed upon between them. The noble Lord, indeed, had assured him that he would give his assent to that form, and had authorised him to move it. He had, however, since received an intimation through the Vice President of the Board of Trade, to the effect that the noble Lord had thought fit to withdraw his assent from his (Mr. Spooner's) notice, and to give his support to the Amendment of which notice had been given by the right hon. Gentleman the Secretary for Ireland. Under these circumstances, and not being able to support that Amendment himself, he should feel it to be his duty to proceed with his original Motion when the House went into Committee of Supply, unless the noble Lord would consent to name a day upon which that Motion might be discussed.

VISCOUNT PALMERSTON said, the hon. Gentleman had stated the circumstances correctly. After seeing the hon. Gentleman's Motion and consenting to it, he had reconsidered the matter, and thought it better to support an Amendment by the Chief Secretary for Ireland. The result was only that the hon. Member's Motion now stood in the same position as it occupied before the consent was given. He could not in the state of public business give the hon. Gentleman a day for his Motion.

Question put, and *agreed to.*

Supply *considered* in Committee; Committee report progress; to sit again on *Monday* next.

STATE CARRIAGE DUTIES, &c.

MR. FITZROY *brought up* the Report of the Resolutions.

SIR H. WILLOUGHBY asked whether the Government would have any objection to lay before the House documents to show why the stage-carriage duties had been remitted in certain cases to persons in this metropolis. It would be very satisfactory to have the memorials presented by those persons on the subject, with copies of the answers given and the grounds upon which this remission was based.

THE CHANCELLOR OF THE EXCHEQUER had already explained to the House that these compositions of duty were not the acts of the Government, but of the Board of Inland Revenue. He was not able to state whether any documents existed beyond the memorials presented to that Board, which could throw light upon the transactions to which the hon. Baronet alluded; but if there were any such papers he should be quite ready to produce them.

First, Second, and Third Resolution *agreed to.*

Fourth Resolution—

"That no exemption from Stamp Duty contained in or granted by any Act relating to

Friendly Societies, nor any other exemption from Stamp Duty than such as is contained in section 8 of the Act 6th and 7th of *Will.* IV., c. 32, for the regulation of Benefit Building Societies, shall be deemed to extend to any form of assurance, or any conveyance, mortgage, transfer, agreement, bond, or other instrument made to or on behalf of any Benefit Building Society by any member of such Society to whom any sum or sums exceeding in the whole the sum of 240*l.* shall be advanced by such Society, except such deeds or instruments as may be made on behalf of a member of such Society admitted before the 5th day of July, 1855, in pursuance of engagements made between such member and the said Society before that date."

Read a second time.

MR. SCHOLEFIELD rose to object. These Resolutions were passed last evening without the cognisance of most of the Members of that House. He did not wish to impute anything like deceit to the right hon. Gentleman the Chancellor of the Exchequer, but he had not the smallest expectation that any matter relating to Friendly Societies would be included in a Bill entitled Stage Carriage Duties, &c. It had been suggested to him that there was only one reason why it should be so included, namely, that the Stage Carriage Duties Bill must necessarily be a Bill *de omnibus*, and, therefore, that it might be made to contain any clause about anything. He was not going to discuss this particular clause now. In the other House it had been struck out from the Friendly Societies Bill on the ground that it had nothing to do with that Bill, and ought to be introduced in a measure relating to Building Societies generally, and there was of course a ten times more valid objection against its insertion in a Stage Carriages Bill.

THE CHANCELLOR OF THE EXCHEQUER, in answer to the statement that the House had been taken by surprise, said, if the hon. Member referred to the notice paper, he would find this notice given at length—

"The Chancellor of the Exchequer—That this House will now resolve itself into a Committee to consider the Acts relating to the Duties payable on Stage Carriages in Great Britain and the Stamp Act."

MR. SCHOLEFIELD observed that in yesterday's notice there was not one word of that stated.

THE CHANCELLOR OF THE EXCHEQUER said, the abbreviated heading was not his production. He was only responsible for the full notice.

MR. WILSON said, the Resolution had been framed in order to carry out an arrangement that he had entered into with a deputation which had conferred with him upon the subject. A proviso, in accordance with that arrangement, was introduced into the Friendly Societies Bill, and passed this House, but was rejected by the House of Lords. It was now proposed, therefore, that a similar provision should be inserted as a revenue clause in a revenue Bill. He should be ready to insert any words in conformity with the arrangement to which he had referred.

SIR J. SHELLEY suggested the postponement of the Resolution.

SIR C. WOOD hoped the Resolution would be agreed to, as the difficulty which had been raised might be met previous to the introduction of the Bill.

MR. J. MOWBRAY and MR. MURROUGH objected to passing the Resolution before time had been given for the examination.

Motion made and Question put, "That this House doth agree with the Committee in the said Resolution.

The House *divided*:—Ayes 65; Noes 39: Majority 26.

Bill or Bills *ordered* to be brought in by Mr. FITZROY, the CHANCELLOR of the EXCHEQUER, and Mr. WILSON.

House adjourned at half after One o'clock till Monday next.

HOUSE OF LORDS,

Monday, July 9, 1855.

MINUTES.] *Sat First in Parliament.*—The Lord De Mauley.

PUBLIC BILLS.—1ª Endowed Schools (Ireland); West Indies Relief Loans Arrangement; Bills of Lading (No. 2).

2ª Haileybury College; Powers under Improvement Acts Regulation.

3ª Accidents on Railways.

ECCLESIASTICAL TITLES OF ROMAN CATHOLIC PRELATES—THE MAYNOOTH REPORT.

THE EARL OF WINCHILSEA, who had given notice of a Motion on this subject, inquired whether the Government intended to oppose the Motion?

THE EARL OF HARROWBY replied, that he could not consent to the passing of the Motion.

THE EARL OF WINCHILSEA then, in formally making the Motion, referred to a clause in the Catholic Emancipation Act of 1829, imposing a penalty of 100*l.* on any persons other than the persons authorised by law, who should use the name title of archbishop of any province, bishop of any diocese, or dean of any deanery in England and Ireland; and also to another clause, imposing the Roman Catholic oath; upon which two clauses the promoters of the measure, he said, laid great stress, as affording security to the Protestant Establishment. The great body of the Protestant people of this country knew how perfectly futile the clauses which he had read had been in securing the objects for which they were framed. When it was proposed by the noble Earl at the head of the late Government to issue a commission of inquiry into the government and management of the College of Maynooth, all that the friends of Protestantism asked was, that it should be ascertained whether the teaching in that college was not inconsistent with the undivided allegiance which every subject owed the Sovereign, and in opposition to those great principles of civil and religious liberty on which our Protestant constitution was founded. When the names of the Commissioners were made known, however, it was found that there was not a single man among them who was not in favour of the establishment into the working of which they were appointed to inquire. After two years they produced a Report comprising two folio volumes, two-thirds of which were mere jesuitism; and as to the other third, it was so unintelligible, that the more one read the more confounded one became. Before the evidence taken by the Commissioners was presented to Parliament, a copy of it had been furnished to Dr. Cullen for his opinion and correction; and he would go one step further, and say that he believed Dr. Cullen had sent the evidence to Rome. To Rome, that had, indirectly, occasioned the war now raging in the East—for it was in consequence of the concessions made in favour of about 200,000 of his Roman Catholic subjects, in answer to the demand of the French Sovereign, that the late Emperor of Russia made a similar demand upon the Sultan on behalf of 10,000,000 of Greek Christians. In the appendix to that Report he found that, in direct contravention of the statute law of this country, ecclesiastical titles were given to Roman Catholic bishops, and he was sorry to say that the noble Earl opposite (the Earl of Harrowby) was an instrument in giving such illegal titles to those prelates. In one part of the Report he found the names given as those of Dr. M'Hale and Dr. So-and-So, but on turning to the appendix, the names were given as the Most Rev. Joseph Dixon, Archbishop of Armagh and Primate of all Ireland, the Archbishop of Tuam, and so on. Thus had the Commission given to these men titles that were prohibited by law, resting on the security of which the Protestants of this country had been gulled and deceived. His object was to correct that Report, and make it more in conformity with the law and constitution of the country, and with that view he begged to submit his Motion to their Lordships.

Moved, To resolve—

"That the Recognition of those Ecclesiastical Titles prohibited to the Roman Catholic Prelates by the Act of 1829, intituled 'The Roman Catholic Relief Act,' in the Report of Her Majesty's Commissioners appointed to inquire into the Management and Government of the College of Maynooth, is a direct Violation of that Act:

"And that an amended Copy of that Report be placed upon the Table of this House, with those illegal Titles omitted."

THE EARL OF HARROWBY said, he did not rise to discuss the propriety of the Catholic Emancipation Act or the propriety of the establishment of Maynooth. This was not a fitting season to enter upon either of these topics. What their Lordships were now called upon to discuss was, simply the proposal of his noble Friend with reference to the Report of the Commissioners appointed to inquire into the management and government of the College of Maynooth, being in violation of the Act of 1829, and that an amended copy of that Report should be laid upon the table. Now, as far as he could understand the Acts bearing upon this subject, there was nothing illegal in giving these titles to anybody; the illegality lay in the assumption of the titles. To give these titles to any one might be a discreet or indiscreet act, but it was no violation of the law. The Commissioners did not wish in any way to act upon a purely technical interpretation of those Acts, but were at the same time perfectly aware how incumbent it was on them to act up to their spirit, and they had, accordingly, taken great care that the spirit of the Act should in no way be tampered with. His noble Friend had, indeed, unconsciously given testimony to the care of the Commissioners upon this point, for he had himself pointed out that it was not in the Report itself, but in the appendix, that the titles which he complained of were given. Whenever the Commissioners spoke in their own persons, they did not confer these titles upon the

Roman Catholic prelates; but in two cases the titles were given in a reprint from the *Catholic Directory*, which was inserted in the appendix to the Report. He admitted he thought it would have been better if in those cases the titles had not been given; but he must remind the noble Earl that the Commissioners, speaking in their own persons, had always most carefully avoided any breach not only of the letter but even of the purpose and intention of the law. The noble Earl had himself borne testimony to the propriety which had characterized all the acts of the Commissioners themselves, and he (the Earl of Harrowby) hoped the House would not think a very inexcusable oversight had been committed, in not running their pens through two ecclesiastical titles of two of the Roman Catholic prelates of Ireland in a very voluminous appendix. Complaint had been made that the evidence taken before the Commissioners had been tampered with in this country or elsewhere. It was not necessary to trouble the House with the details of the petty transaction to which this complaint referred; but he regretted that one of the Commissioners—with, he believed, the most innocent intention—had placed a portion of the evidence in the hands of a Roman Catholic archbishop, with the view of obtaining his opinion upon certain points which had been raised in the course of the inquiry, and some months afterwards it appeared that that evidence had been conveyed to Rome. The Commissioner to whom he referred had undoubtedly committed an error of judgment, but at the same time it was not at all unnatural that he should have asked the advice of his archbishop upon points affecting the system of the Roman Catholic Church. He (the Earl of Harrowby) must add, that the evidence taken by the Commissioners, was printed before the portion of the evidence forwarded to Rome could have been received there, and therefore, the charge that the transmission of that evidence to Rome could have had the slightest effect upon the Report of the Commissioners, was physically impossible and totally absurd.

Lord ST. LEONARDS observed that under the Roman Catholic Relief Act the assumption of ecclesiastical titles by unauthorised persons subjected them to penalties; and there could be no doubt that, according to the spirit of that Act, such titles should not be given to persons who had no right to bear them. He thought, however, that the noble Earl (the Earl of Harrowby), had afforded a satisfactory explanation of the conduct of the Commissioners with reference to these transactions, and he hoped his noble Friend (the Earl of Winchilsea) would not think it necessary to press his Motion to a division.

The Earl of WINCHILSEA said, he certainly should press his Motion to a division. He had a very strong feeling in the matter, and it was not in his power to comply with the request of his noble and learned Friend.

The LORD CHANCELLOR said, the noble Earl was asking their Lordships to do a thing they had no power to do. What was laid upon the table was the copy of a Report made to Her Majesty, and, right or wrong, the Report was made. It might be a violation of the spirit of the Act, but it was not a direct violation of the Act itself, and therefore, he thought the Resolution could not so far be sustained. He hoped their Lordships would not stultify themselves, if he might be allowed the expression, by declaring a direct violation of the Act that which was nothing of the kind.

The Earl of HARDWICKE would feel some difficulty in voting for the Motion, inasmuch as the recognition of these ecclesiastical titles in the Report could scarcely be regarded as a direct violation of the Act which prohibited the assumption of such titles. The noble Earl opposite (the Earl of Harrowby) had apologized for the error, and, as the recognition of these titles had clearly occurred by mistake, he did not think his noble Friend had any ground for pressing his Motion to a division.

Lord CAMPBELL thought, that there had been no direct violation of the law in the case; and, that being so, their Lordships ought not to pass an abstract Resolution which might have the effect of fettering their judgment in the event of the matter coming before them judicially; or if they did, they ought to be careful that they were in the right. However, he was sure that their Lordships were in the wrong, and he hoped they would not worse than stultify themselves by voting that black was white. He did not think those titles should be conferred any more than they should be assumed. The noble Lord had therefore done well in drawing the attention of their Lordships to the subject, but he hoped the result attained would be sufficient, and that the Motion would now be withdrawn.

THE EARL OF DERBY felt, that the noble Earl behind him (the Earl of Winchilsea), was perfectly justified in calling the attention of their Lordships to that which, if not a violation of the letter of the law, was at all events a violation of the spirit of the law, and ought to have been specially avoided in a document emanating from gentlemen acting under the authority of the Crown. Undoubtedly, if the intention of the law was to check and control the assumption of undue titles and influence on the part of the Roman Catholic hierarchy, it was a grave error on the part of persons acting under the authority of the Crown to permit the introduction of titles which, if they had been assumed by the bishops themselves, would have been a direct violation of the law. It appeared, however, that care had been taken on the part of the Commissioners to avoid the introduction of improper titles, and that it was purely by an oversight that they had crept into the Report. That being the case, and believing that his noble Friend would see, upon reflection, that the act of the Commissioners was not a direct violation of the law, inasmuch as the law referred to the assumption of titles, and not to titles conferred, and seeing also that the notice which had now been taken of the matter would be a sufficient notice to all parties not to repeat a similar error in future, he trusted that his noble Friend would withdraw the Motion. He (the Earl of Derby), called the Act of the Commissioners an error; but if it was not an error then he considered that it was a very grave offence. He was bound to say that he thought the course of conduct pursued by the Roman Catholic hierarchy, their eager grasping at every possible circumstance which could give colour to increased usurpation, and the mode in which every concession or waiving of the actual letter of the law had led to increased and increasing claims, entirely justified their Lordships and the other House of Parliament in looking with extreme jealousy on any assumption or encroachment on the part of that body. His noble Friend had done great service in calling the attention of their Lordships to this matter; but, at the same time, he (the Earl of Derby) could not recommend the withdrawal of the Report of which his noble Friend complained, and the substitution of another. The parties from whom the Report emanated were *functi officio*, and he presumed that his noble Friend had no desire to revive the Commission for the purpose of having another Report prepared, or to put the country to the expense of reprinting the Report for the sole purpose of noticing the errors that had crept into it. He confessed that it would have been more satisfactory if his noble Friend could have framed his Resolution so that it would mark the sense of the House as to the erroneous titles given in the Report. At present his noble Friend and the House were in this difficulty—it was impossible that they could assent to the Resolution in its present form, but if it was negatived upon a division it would appear upon the Journals of the House as if their Lordships had sanctioned the assumption of improper titles by the Roman Catholic hierarchy. That he thought would have a most unfortunate effect in future times, because it would appear that his noble Friend had brought forward the question, and that Members upon both sides of the House had felt themselves compelled to vote against it. He earnestly entreated his noble Friend to rest satisfied with the general and unanimous sanction given by their Lordships to the opinion that these titles had been unjustifiably conferred, and to withdraw the Motion.

The said Motion, by leave of the House, *withdrawn.*

ACCIDENTS ON RAILWAYS BILL.

Bill read 3^a, according to Order.

THE EARL OF EGLINTON moved the omission of Clause 2, which gave the Bill a retrospective operation. The noble Earl said it would be a great injustice to oblige railway companies which had expended large sums of money upon the construction of level crossings, to make an additional outlay upon the building of bridges.

LORD STANLEY OF ALDERLEY said, that a provision which Parliament thought necessary for the public safety with regard to railways about to be made, must also be necessary for the public safety with regard to railways already in existence. He did not think the clause would do any injury to railway companies, and he proposed to give them an appeal from the decision of the Board of Trade to the Privy Council.

LORD ST. LEONARDS opposed the clause, on the ground that it was a direct infringement of the rights of property. Railways were now one of the great material interests of the country; they had become a legitimate investment for money; thousands of families were dependent upon

or Campbell

them for support, and they ought not to be tampered with by *ex post facto* legislation of this kind.

EARL GRANVILLE said, that after the high and exaggerated tone adopted by the noble and learned Lord, with regard to interference with private property, he could not help reminding their Lordships that last year the noble and learned Lord had, by inducing the House to pass his measure for the suppression of dog-carts, perpetrated a retrospective act which affected the property of the poorest classes in the community. He did not think the clause would operate so injuriously as the noble and learned Lord had represented. The Board of Trade would consider the interests of the railway companies as well as those of the public, and in addition, the former would have the protection of an appeal to the Privy Council.

THE EARL OF YARBOROUGH opposed the retrospective operation of the clause.

EARL REDESDALE supported the clause, and reminded their Lordships that in many instances they had felt justified in enacting measures which, though they were attended with expense to some parties, were necessary for the public health and safety. Since the rule laid down in this matter in 1848 not a single railway company had hesitated to assent to the introduction of this clause; neither had its operation made any difference in regard to railway speculation. This Bill enabled railway companies to call upon the inhabitants of particular districts to contribute towards the expense of bridges which they were required by the Board of Trade to erect. He would suggest that the Government should consider the propriety of inserting a clause enabling a district to contribute the amount imposed upon it by annual payments, instead of in one total sum.

THE EARL OF EGLINTON having said a few words in reply,

On the Question that the clause stand part of the Bill, their Lordships *divided* :—Content 30; Not Content 21: Majority 9.

On Clause 5, relating to the responsibility of railway companies for the acts of their servants,

LORD LYNDHURST took occasion to renew his objections to the clause. Upon a former occasion his noble and learned Friend the Lord Chancellor had quoted the authority of Baron Parke in support of the alteration in the law which was contemplated by the clause; but his noble and learned Friend must have laboured under some misapprehension with respect to the matter, inasmuch as he (Lord Lyndhurst) had in his hand a letter of Baron Parke's, in which he expressed himself as unfavourable to any change in the existing state of the law; adding, at the same time, that if the Legislature determined upon altering it, the change might be made as satisfactorily as possible by the operation of the clause in question.

LORD CAMPBELL thought the clause one of the very best portions of the Bill.

THE LORD CHANCELLOR admitted that he had in some respect misapprehended the views upon the matter which Baron Parke entertained.

Clause *agreed to*.

Bill *passed*, and sent to the Commons.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 9, 1855.

MINUTES.] NEW WRIT.—For Norfolk (Eastern Division), *v.* Edmond Wodehouse, esq. Chiltern Hundreds,

PUBLIC BILLS.—1° Assizes and Sessions; Slave Trade (Sherbro).

2° Lady Raglan and Lord Raglan's Annuities; Lunatic Asylums (Ireland); Turnpike Acts Continuance; Turnpike Trusts Arrangement; Treasurers of Counties (Ireland).

3° Gold Wedding Rings; Commons Inclosure (No. 2); Public Libraries and Museums; Bills of Exchange and Promissory Notes; Burial of Poor Persons.

PUBLIC HEALTH BILL—QUESTION.

COLONEL SMYTH said, he wished to ask the right hon. President of the Board of Health whether it was his intention, at that late period of the Session, to proceed with the Public Health Bill?

SIR BENJAMIN HALL said, that considering the late period of the Session, and the fact that he had been allowed to pass through Committee a very long and important Bill, as well as to make considerable progress with another, it would hardly be acting fairly by the House if he attempted to persevere with the Public Health Bill that Session. He might, however, take that opportunity of remarking that the Bill had been very maturely considered by a Committee which had sat upon it twenty-one days, had taken a great deal of evidence, and had suggested several Amendments. It had afterwards been reprinted and circulated in the country;

and he had received a great many further suggestions, some of which he intended to adopt. He proposed therefore merely to move the committal of the Bill *pro formâ*, in order to insert those further Amendments, and then to allow it to be again circulated in the country during the recess. It would, however, be necessary to provide, by a short Bill, for the continuance of the General Board of Health for one year, and he should propose to insert in it clauses for the reappointment, if it should be thought necessary, of a medical council, and also to attach a medical officer to the Board. To that Bill he hoped no objection would be made. With regard to existing interests, and particularly with regard to gas and water Companies, he had to remark that the clauses now in the Bill were not the original ones, but that they had been inserted by the Committee at the suggestion of an eminent professional man who had appeared before them on behalf of several of the Companies. Those clauses had since met with great opposition from gas and other Companies, and it would be his duty during the recess to consider any representations that might be made to him on the subject. There were, however, other parties to be considered besides the Companies—namely, the public—and it would be for him so to arrange matters, that whilst a due regard should be paid to the interests of the Companies, the interests of the public at large should not be endangered.

RETIRING ALLOWANCES—QUESTION.

SIR DENHAM NORREYS said, he begged to ask the hon. Secretary of the Treasury whether the authority under which the retiring allowances lately granted to certain Poor Law Inspectors, named in the return No. 320 of the present Session, was derived from any Act of Parliament, and, if so, which? or whether the power of granting pensions, other than those sanctioned by the Act 4 & 5 *Will.* IV. c. 24, and other Acts, was claimed by the Treasury?

MR. WILSON said, he believed that from time immemorial it had been the practice of the Treasury to grant retiring allowances, whenever arrangements were made which had for their object the public benefit. Those allowances were not however absolutely pensions for life, for there was a clause in the Superannuation Act which rendered the parties receiving them liable to be called upon at any time to perform other duties; and, in point of fact, one of the gentlemen referred to had already been appointed to another place under the Crown. The Act required that the Minute granting retiring allowances should be laid on the table the following year, and this Minute would not, therefore, be laid on the table until next Session.

BOMBARDMENT OF CALABAR—QUESTION.

SIR JAMES ANDERSON said, he wished to ask the First Lord of the admiralty whether Her Majesty's Government had received any report of the bombardment and destruction, on the 9th of January last, by Her Majesty's steamship *Antelope*, Lieutenant Commander Young, of Old Town, at Calabar, on the coast of Africa, by which the property of British missionaries residing there was destroyed; by whose authority Lieutenant Young acted, and what were the reasons assigned for such a proceeding; and if it was by the orders of Her Majesty's Government that the British consul there had interdicted the inhabitants from rebuilding the town?

SIR CHARLES WOOD said, Her Majesty's Government had received an account of the bombardment of Old Town, Calabar, by Her Majesty's ship *Antelope*, and it was done at the particular request of Her Majesty's consul. The reason for taking that course was, that an article of the treaty with certain chiefs had been infringed. The missionaries represented that the chiefs were in the habit of murdering persons by administering what was called "the poison cup." The consul called upon the chiefs to give an assurance that they would abstain from the practice. The chiefs, in spite of remonstrances, having repeated the offence, the consul called upon the commander of the *Antelope* to bombard the place. He (Sir C. Wood) did not know whether the property of the missionaries had been destroyed, and he was not aware of any steps being taken to prevent the rebuilding of the town.

CONFERENCES AT VIENNA—AUSTRIAN PROPOSALS—QUESTION.

MR. MILNER GIBSON: Sir, I wish to put a question to the Prime Minister. It has been stated publicly in the circular which Count Buol addressed to the diplomatic agents of Austria, dated the 25th of May, that, considering the circumstances under which the Austrian proposal had been rejected and the grounds on which its value had been contested, it appeared to the Emperor of Austria his duty to give the Cabinets of Paris and London another opportunity of considering the plan and the consequences to Europe of its rejection. Count Buol states that full explanation of the plan, with the motives of the Austrian Government and a refutation of the objections which had been urged on the part of the allies, had been communicated to the Governments of England and France. I wish to ask the noble Lord whether there will be any objection to lay before the House this communication, or any correspondence which has passed between Her Majesty's Government and the Government of Austria relative to the Austrian proposal? I have not given notice of this question to the noble Lord, and, therefore, if he does not feel at liberty to answer it now I will repeat the question to-morrow.

VISCOUNT PALMERSTON: I have no difficulty, Sir, whatever in answering the question of my right hon. Friend, by saying Her Majesty's Government have already determined to lay upon the table of the House the whole of the correspondence bearing upon that Austrian proposal. It is now in preparation, and I hope in a couple of days, at all events, to be able to lay it upon the table of the House.

THE SUNDAY RIOTS—QUESTION.

SIR JOHN PAKINGTON: I wish to put a question to the Home Secretary relative to the riotous proceedings of yesterday, to ask whether it was in consequence of any orders given by him that when the mob were breaking the windows yesterday in Belgrave Square there were no police present—in fact, no person for the protection of the public, and to check the violence of the mob?

SIR GEORGE GREY: I am sorry that the right hon. Gentleman should think it necessary to ask me whether, when the mob yesterday were breaking windows in Belgrave Square, Wilton Street, Eaton Square, and in Tottenham Court Road and the Hampstead Road (where much the greater damage was done), it was in consequence of orders from me that the usual protection of the inhabitants was withdrawn. It is scarcely necessary, I should suppose, for me to say I gave no such orders. I may say I had no intimation, nor was it known to the police, or any one connected with the Government, that the mob would by a sudden impulse, or by the sudden guidance of others, rush from Hyde Park to Belgrave Square, where there was no more than the ordinary number of police-constables in a district usually very quiet. The damage was done in a quarter of an hour, before the reserves of police could be brought up to prevent the violence which had then been actually committed. The reserves were, however, brought up in time to check the further progress of that violence.

MR. ADDERLEY said, he did not think that the answers given by the right hon. Baronet were at all satisfactory. They had now had a third consecutive Sunday riot, and he wished to know in what way they were to protect themselves from a fourth? If he might be allowed to make a short statement—["No, no!"] Surely it was the custom to allow hon. Members to preface their questions with a short statement, and if the House would grant him that indulgence he would promise not to detain them more than two minutes, whilst he narrated what he had himself witnessed. He saw in Grosvenor Place yesterday a parcel of boys, about fifty or sixty in number, walking down the middle of the street breaking windows. They were surrounded by a large number of the lowest rabble, and there were also present a number of respectably dressed persons, who called themselves "spectators," and who certainly might have been better employed than idly looking on. Not a single police officer was present, but the right hon. Baronet was perhaps aware that a large number of the force were in the neighbourhood, at the top of Constitution-hill, and at Hyde Park. In fact, as soon as the disturbance was over the streets were occupied by them in numbers that might have resisted a hostile invasion with great success—and they remained there for the remainder of the evening. What he wished to know was whether the right hon. Baronet would state to the House what were the orders the police had received; and if the right hon. Gentleman was not prepared to give that information, he (Mr. Adderley) would move that the orders be laid on the table of the House. He should also be glad if the right hon. Gentleman would tell them what was the number of persons that had been taken prisoners; and likewise if he would state in what way the public were to protect themselves in future—whether, in short, they were to take measures for their own defence, or whether they might trust to the police for protection.

Sir GEORGE GREY said, the description given by the hon. Gentleman corresponded pretty much with the statement which had been communicated to him both by the Commissioners of police and by other persons; although he thought the hon. Gentleman had rather underrated the number of persons who followed the knot of boys and the other parties engaged in breaking windows. The hon. Gentleman asked whether the police were not in the immediate neighbourhood of Hyde Park, and whether they had not abstained from interfering. Now he was informed that there was a sudden rush from Hyde Park to Belgrave Square, and he was afraid the hon. Gentleman himself had suffered to a considerable extent. The mob was followed by a large number of persons, who had been attracted by a curiosity which he could not help considering was blameable—and those persons so obstructed the road that the police could not force their way through the crowd to the front in time to prevent the mischief. In addition to sending a body of 400 men from the park after the mob, a message was despatched to the stations south of Belgrave Square, and 100 men, who were ordered to meet the crowd, succeeded in arresting some of the ringleaders. The hon. Gentleman said that there were no police in the streets; but in point of fact the ordinary police officers were on duty. [Mr. Adderley—No, no!] The hon. Gentleman might be better informed; but he (Sir G. Grey) was told that the ordinary police officers were on duty, though, of course, they were quite unable to resist so large a crowd. The mob ran away as soon as the police were seen to arrive, including those boys who had committed the acts of violence in front. He believed that only one of the persons actually charged with throwing stones and breaking windows in that district had been arrested. He was arrested by a gentleman, an acquaintance of his (Sir G. Grey's). If other persons who were looking on while these acts of violence were committed had vigorously exerted themselves, he believed that several others of the offenders might have been taken. The person who had been so arrested had been fined 40*s*., or one month's imprisonment. In the

Tottenham-court Road district, eight persons had been arrested. The same disorderly and riotous proceedings had taken place there by apparently the same class of persons; and the police certainly could not have had any suspicion that such proceedings would have taken place in a district like that, there being no person resident there who could be supposed to be at all obnoxious to the rioters; and the ordinary police on duty there had not the power of putting a stop to the riot. The orders given to the police were to hold in readiness a large reserve, in order that they might be prepared to act wherever there was any disturbance. In some instances, where it had been anticipated, disturbances did not take place; in others they did. But the orders given to the police undoubtedly were to arrest every person guilty of any act of violence or of obstruction of carriages. Of course, without any special instructions, in the event of open acts of violence like those committed on the preceding day, it was the duty of every policeman—and not only of every policeman, but of every subject of Her Majesty—to do all in his power to put a stop to such lawless proceedings.

Colonel DOUGLAS PENNANT said, he wished to ask if the right hon. Baronet was aware that a gallant admiral, Sir George Seymour, had attempted to put a stop to the destruction of property in his own neighbourhood, and had been struck down by a stone on the head, and had been severely injured.

Sir GEORGE GREY said, he had learnt with most sincere regret from a letter which he had received from Admiral Seymour, that a most dastardly attack was made upon him by the populace, when he, with the courage of a British seaman, seized one of the persons who were most active in committing violence against the property of the inhabitants in his own neighbourhood. When the gallant Admiral called upon the spectators to afford him their assistance in arresting the aggressors they, he regretted to say, did not respond to the call. Had they done so—and they were persons having the appearance of gentlemen—the gallant Admiral would not have sustained any injury. With regard to the number of policemen on duty, it was the same as upon ordinary occasions. ["No, no!"] He believed that they were the same in number.

Subject dropped.

STATE OF THE RIVER THAMES— QUESTION.

Mr. WALTER said, he rose to put a question to the right hon. Baronet the President of the Board of Health upon a subject of vital importance to the inhabitants of London—namely, the impure and pestiferous state of the river Thames. A letter from Professor Faraday appeared in *The Times* of that morning, containing a description of the impure condition of the river, the correctness of which he was able to confirm by his own observation. Under these circumstances, he begged to ask the right hon. Gentleman whether any plan had been decided on by the Government for diverting the sewage of the metropolis from the river Thames; and, if so, at what period that plan would be likely to come into operation?

Sir BENJAMIN HALL said, he was sorry that at present there existed no power whatever, either in the Government or in any other authority, to remedy the nuisance which had been so justly complained of as arising from the state of the river Thames. Up to last year, there was a Commission of Sewers appointed for the metropolis, the appointment being made wholly by the Crown; but by a Bill of last Session a new body was constituted, part of which was appointed by the Government; the ratepayers and vestries of the districts appointing the other part. But those Commissioners had no power whatever to acquire land for outfall works; and before any attempt could be made to divert the sewage from the Thames, it would be necessary to acquire that power. In the Metropolitan Government Bill, which had passed through Committee, he had taken power for the Metropolitan Board of Works to take land for outfall works, subject to the approval of the Secretary of State, and to take it compulsorily for that object. He understood that the present Commissioners of Sewers had before them a variety of plans, suggested by Mr. Stephenson and other eminent engineers, for the purpose of effecting that object. The Metropolitan Board of Works, supposing the Legislature to pass the Bill, would be constituted before the close of the year; those plans would be submitted to that Board, and would be presented to them in such a state that the Board might act upon them as soon as they thought proper. And they would have ample power, not only to take land for outfall works, but to raise the necessary funds for carrying out the object.

EDUCATION (SCOTLAND) BILL.

On the Motion that the Report on the Bill be considered,

Mr. ELLIOT LOCKHART said, he should move that the Bill be recommitted. He did not think that the right hon. and learned Lord was aware of the effect of his own Amendments.

The LORD ADVOCATE said, he was perfectly aware of the nature of the Amendments in the Bill, and should oppose the recommittal.

Mr. VANSITTART said, that the tendency of the measure had been very much changed for the worse within the last few days. He considered that if the House agreed to it they would be taking a backward step in legislation, and therefore it would be most unwise to assent to it. His main objection to the principle of the measure was, that it vested the control of education in Scotland in an irresponsible Board, and he did not think that experience had shown that, where the State had interfered, the results of such interference had been so advantageous as to render the extension of such a principle expedient. Those establishments which existed at present under the care of the Committee of Privy Council had not been so well conducted as to lead them to hope that the system could be well applied in Scotland. If, indeed, it could be proved that the people were actually destitute of educational establishments, and that no voluntary efforts to meet the want had been made, it might be proper to institute State schools, but, until that proposition had been proved, it would be wise to abstain. It did not follow, that because Scotch Liberal Members supported the Bill the people were in its favour, for various reasons could be mentioned which would account for the support of those Members. But he denied that there was any degree of enthusiasm on the part of the people of Scotland on the subject, such as existed last year. Indeed, nothing could be more offensive to the various sects than an enactment which would compel them to support State schools, nor did he think that, on inquiry, the opponents of such a principle would be found to consist of a very small minority. For these reasons, he trusted that the House would reject the Bill.

Motion made, and Question put, "That the Bill be recommitted."

The House *divided*:—Ayes 82; Noes 147: Majority 65.

The LORD ADVOCATE said, he now would propose the addition of the following clause:—

> "If any complaint shall be made to the School Committee in regard to the religious or moral teaching of the master, it shall be lawful to the Board, on the report of the School Committee, to direct such complaint to be inquired into by the School Committee, with the assistance of the inspector and of such other persons as the Board may appoint, and who may be willing to undertake such duty."

Clause *brought up* and read 1°.

Mr. BLACKBURN said, that this was the clause in which the whole security for religious teaching existed. His hon. Friends around him did not think that the clause contained any such security. Now, supposing that an inquiry was instituted as the clause authorised, he wanted to know what was to be the result. There was no power given to the Board to do anything more. There was no power given to punish the schoolmaster if he were found guilty. The clause as it stood was utterly inefficient. He would therefore vote against it.

Mr. HADFIELD said, he wished to know what was meant by religious teaching. Was it the religion of the Presbyterians, the Catholics, the Episcopalians, the Independents, or the Unitarians, that was meant? He considered the clause as most objectionable. The Bill tried to be religious, but it was not and could not be religious. It was, in fact, a delusion practised upon the people of Scotland.

Sir JAMES FERGUSSON said, that when the noble Lord at the head of the Government proposed that a grant should be given to the Roman Catholics in Scotland, there was a storm of opposition raised in the Protestant papers of Scotland, which was calculated to appal the Government. The right hon. and learned Lord Advocate then made a kind of compromise upon the subject by proposing the present clause, which really meant nothing.

Mr. MIALL said, those Liberal Members who had opposed the Bill had acted in a manner perfectly consistent with their principles. There was not one single liberal principle in the Bill, to which Liberal Members could point as a justification for their support of it. It was not a liberal Bill in point of religion; it was one apparently got up by the Free Church party, and contained much evidence of the selfishness and intolerance of that sect. The whole object accomplished by the measure would be to transfer the management of the schools in Scotland which were now under the Established Church, te a management shared between the Established Church and the Free Church, under the direction and supervision of a Government Board. Why should he be called upon to support the Bill when he found that voluntary efforts were treated in it as a nullity, and when he remembered that out of 5,000 schools in Scotland 2,000 were on the voluntary system? On the whole, he said deliberately that he would rather leave education in Scotland where it was, than place it in the hands of the right hon. and learned Lord as desired by the Bill, and if the hon. Member opposite carried his Amendment to a division, he should certainly support it.

Mr. BARROW said, he should vote against the clause, on the ground that it was one intended to carry out, to its full extent, the objectionable principle of centralisation.

Mr. JOHNSTONE said, he opposed the clause, because he believed that it was entirely without an object, and accomplished nothing.

The LORD ADVOCATE said, the religious difficulty which caused so much discussion in that House, was no difficulty at all, for whether religious teaching was provided for by the Bill or not, the people of Scotland, it was well known, would take care to have religious teaching. It was only those Gentlemen who could not speak three sentences without betraying their ignorance of the people of Scotland that made any difficulty on that head. The Members for Scotland knew very well that it was so, and one of the most determined opponents of the Bill told him that such a provision was not at all necessary for the people of Scotland. He had altered the 27th clause of the Bill to meet the views of hon. Gentlemen opposite, but finding that they opposed it as much as ever after that alteration, his eyes were opened to the nature of their opposition. He was glad to say, that a large majority of the United Presbyterians supported the Bill, and finding that it was a hopeless attempt to conciliate the opposition, he was not willing to interfere even with the prejudices of those who were favourable to it. It was with that view he prepared the clause now under consideration. It would enable the Board to inquire whether the teaching of the schoolmaster was irreligious or immoral, to call in the assistance of a minister if necessary, and under the general clauses of the Bill the schoolmaster could be dismissed if his teaching was either irreligious or immoral. He hoped hon. Gentlemen would give up squabbling about mere theories, because all the religious difficulty would vanish the moment the Bill passed. It might be necessary to have a separate provision for the Roman Catholics in the large towns, but in all the schools the religious instruction to be given would be so framed as to enable persons of all denominations to attend them.

Sir ARCHIBALD CAMPBELL said, that many of his hon. Friends had given notice of Amendments upon the 15th clause, but were induced to withdraw them in consequence of a clause to be proposed by the Lord Advocate. That clause, however, was subsequently withdrawn, and the present one substituted. Those hon. Members complained of the course thus taken by the right hon. and learned Lord, as they considered that the present clause was not practical. The right hon. and learned Lord had omitted to state what would be the practical effect of it. He wished to know whether there would be power to punish or remove a schoolmaster in the event of his misconducting himself? [The Lord Advocate interposed a remark.] Yes, the schoolmaster might be dismissed if the Board chose, but hon. Members on his side of the House had no confidence in the Board, which had no religious element in it.

The LORD ADVOCATE said, it was quite clear if the schoolmaster be found guilty, under the clause now before the House, he might be dismissed under the general powers of the Bill.

Sir A. CAMPBELL said, it was feared that the separation of the religious hours from the secular hours would lead to the separation of religion from the education generally.

Mr. W. LOCKHART said, he considered the present Bill even more objectionable than the Bill of last year.

Mr. ELLIOT LOCKHART said, he must complain of the course taken by the right hon. and learned Lord Advocate in inducing him (Mr. Lockhart), as well as others, to withdraw Amendments of which they had given notice, upon the understanding of a certain clause being proposed by the right hon. and learned Lord, which clause was subsequently withdrawn, and the present one substituted.

Mr. F. SCOTT said, he must likewise complain that the right hon. and learned Lord had taken the House by surprise by introducing the clause at a stage of the proceedings when it was expected that there would be perfect harmony amongst them, and that nothing would be brought forward to create a difference of opinion respecting the measure. He objected to the clause upon principle, as it gave no guarantee for religious teaching in the schools, and he believed the people of Scotland sympathised with him in his opposition. The clause had been ingeniously drawn, for whereas, while it affected to establish local control over the schools, it still left their management in the hands of the central Board.

Motion made, and Question put, "That the said Clause be now read a second time."

The House *divided:* Ayes 118; Noes 64: Majority 54.

Clause read 2°, and *added.*

Three other Clauses *added.*

Mr. MIALL said, he would beg to leave out in Clause 21 from after the word "report" to the word "burgh," and insert instead the following words, "shall address a letter to the chief magistrate of such burgh, requiring him to call a meeting of the ratepayers, for the purpose of considering such proposed measure; and the chief magistrate shall, within ten days after the receipt of such letter, call such meeting, which shall be advertised as he may think fit; and such meeting shall be attended by the inspector, who shall give any explanations which the meeting shall require in regard to such school; and such meeting shall proceed to establish such school, and to assess themselves."

Amendment *agreed to.*

Mr. W. WILLIAMS said, he wished to know why the Lord Advocate proposed to give greater salaries in respect of borough schools than were paid for parish schools? The money was coming out of the pockets of the public generally, and hence some explanation was due to English Members. It should be remembered that these payments once fixed by Act of Parliament could not be dealt with like sums annually voted. He should also like to know when the Bill would come into operation.

The LORD ADVOCATE said, that the reason why Scotland received so much of the public money was solely because she contributed so much for educational purposes by voluntary contributions. The sums proposed to be paid under the Bill were greater on account of borough schools than of parish schools, because in respect of the latter the heritors were subject to certain charges which went towards their support. With regard to the borough schools no such charge existed. The Bill would come into operation two years after its passing. As to the amount required for its working, as far as he could calculate, it would not exceed, and would in fact be within, the sum which had already been mentioned.

Mr. BLACKBURN said, that by the last Census there were 5,242 schools in Scotland, which number the preamble of the Bill stated was short of that which should exist. He would take the number, then, at 6,000. Of these, 1,000 parochial and burgh schools, at 16*l.* each, would receive from the Consolidated Fund 16,000*l.*; 5,000 new, at 25*l.* each, 125,000*l.*; half the rent of school and schoolmaster's house, at 10*l.*, would come to 50,000*l.*; the board and secretary would cost 3,000*l.*; and the pay of forty inspectors, giving to each 150 schools, at 400*l.* salary and 200*l.* for travelling expenses, would amount to 24,000*l.* This would make the cost of the working of the Bill 218,000*l.* To this add retiring allowances, which would give a total expenditure of 240,000*l.* a year, and the ratepayers would have to pay about the same sum in addition, beside the school fees. That was a rough estimate, but he believed it to be nearer the truth than any statement they had yet heard.

Mr. F. SCOTT said, that there was already a very good system of education in Scotland, and he could not see that any case had been made out for the lavish profusion proposed by the Bill. He could not understand why the parochial schools now in existence were to be absorbed in the Government schools at the expense of the public.

Mr. HADFIELD said, he wished to call attention to the fact that the establishment at Kneller Hall had already cost the country the sum of 62,000*l.*, which was at the rate of 1,000*l.* for every teacher sent out from the school, and he had no wish to see a similar experiment tried in Scotland.

Mr. W. LOCKHART said, he hoped that the Government would be able on the third reading of the Bill to state the expenses likely to be incurred under the Bill, and the necessity which existed for incurring those expenses.

Mr. CHEETHAM said, he thought the House ought to receive some clear and definite statement from the Lord Advocate as to the expenditure under the Bill.

The LORD ADVOCATE said, that the parochial schools were about 1,200 in number, and it would be found that about 16,000*l.* or 17,000*l.* would be necessary under that part of the Bill. To that must be added a sum for retiring allowances, but which would be a very small sum in comparison, because there would be only a few persons put upon the list from year to year, and they would in the course of nature drop off. The calculation of the hon. Member for Stirlingshire as to new schools was beyond all bounds, and was, indeed, ludicrous in its exaggeration. The object was, to have one good school in a parish, and not to keep up three or four where they were not necessary. So far from bringing all those schools under the new system, they would be, if possible, merged into one. A calculation of 1,500 additional schools would be over the mark. A sum would be required for school buildings, but half of the capital sum expended in school buildings was to be repaid. The hon. Member had put down 24,000*l.* for his Board of Inspectors, who were to be forty in number. Now, how many inspectors were there at present for 5,000 schools? Why three, and they were found sufficient.

Mr. BLACKBURN said, he must remind the House that the inspectors for Scotland did not inspect the parochial schools.

Mr. LLOYD DAVIES said, that, if 200,000*l.* a year were to be applied in that way, it behoved the Scotch Members to see that the Bill was withdrawn.

Mr. BLACKBURN said, the payments for schoolhouses, &c., were to be made by the Committee of Privy Council first, but a sum of 3*l.* 5*s.* per cent per annum upon the amount expended was to be assessed upon the ratepayers for a period of twenty-two years. This amount of 3¼ per cent for twenty-two years, however, would not repay the capital, and one-half would fall to be paid by the Committee of Privy Council. The whole question, in considering the expense, resolved itself into the following—what would be the number of new schools? If there was to be any result at all from the Bill, it must show itself in an increase of schools, and the House should bear in mind that the Lord Advocate had all along held it up as a measure which was to give greatly increased means of education for the whole country. The expense must, therefore, be in proportion to the increase that took place; and they were to consider that, whatever was the amount taken from the Consolidated Fund, the rates would come to as much more. Perhaps his patriotism might not have led him to find fault with the amount to be paid from the Consolidated Fund, were it not for the large amount of rates that followed it. There would be imposed by the Bill a burden of not less than 500,000*l.* a year, one-half paid by the country and the other from the Consolidated Fund.

Mr. APSLEY PELLATT said, he felt called on to complain that the Lord Advocate had given no statement of the sum total that would be imposed on the country by the Bill. The whole system appeared to him to be one that would give a monopoly of the grants to the Free Church, while it would have the effect of keeping down the free action of the voluntaries whose principles prevented them from taking any portion of the grants. He thought the Bill would have a pauperising tendency, and that it would tend to demoralise rather than educate and elevate the people of Scotland.

Mr. W. LOCKHART said, he thought the House was entitled to demand that a clear and explicit printed statement of the expense caused by the Bill should be laid before it.

Mr. DUNLOP said, no part of the empire drew so little of the public money as Scotland did. England and Ireland received large amounts for various purposes, while Scotland got comparatively nothing. He thought that when they consented to be rated more than one-half what they drew from the public funds, the people of Scotland were not likely to go too far in that direction. In the calculation of the expense made by his hon. Friend (Mr. Blackburn) he left out of sight the sums now obtained, which were—for the Free Church, 21,000*l.*, and for the Established Church, 19,000*l.* a year—payments that would cease when the new system was established.

Mr. W. WILLIAMS said, the statement made by the hon. Member for Stirlingshire (Mr. Blackburn) was clear and distinct, and he believed it was also correct—that under the proposed measure the cost of education in Scotland would be 240,000*l.* a year, and that sum being deducted from the annual grant of 380,000*l.* would leave but a small proportion to be applied to purposes of education in England and Wales, although they contained a population five times larger than that of Scotland. The amount now granted annually for education in Scotland was 40,000*l.*, and English Members were, therefore, imposing a tax of 200,000*l.* a year upon their constituents to provide education for the people of Scotland. He would have no objection to the measure if they placed England upon an equality with Scotland, and voted 1,250,000*l.* a year for educational purposes in England and Wales; but, in his opinion, the present proposition involved great injustice to England and Wales as compared with Scotland. The grant, too, would be secured to Scotland by Act of Parliament, while the grant for England and Wales must depend upon an annual Vote of that House.

Mr. F. SCOTT said, he had been astonished to hear Scotch Members charged with refusing to accept public money. He did not think Scotchmen were generally liable to such an accusation, or that much weight would be attached to it by the House. The Scotch Members were ready to accept any amount of money that was necessary for education in Scotland, but they thought the proposed measure would lead to an unnecessary expenditure, and on that ground they objected to it. He regretted that, after the statements of the hon. Member for Stirlingshire, the Lord Advocate had not thought it necessary to explain more fully what would be the operation of the measure. He (Mr. Scott) was satisfied that when English Gentlemen understood the subject they would find that this was really a Bill to extend expenditure and to contract education.

Mr. LLOYD DAVIES said, he regarded the measure with great suspicion, in consequence of the studied caution manifested by the Lord Advocate in indicating the expenditure which it would entail upon the country.

Mr. FAGAN said, he must repudiate the imputation that the Roman Catholics had been bribed by promises of educational grants to support the measure. He had voted for it last Session, because he looked on it as an attempt to introduce a large and liberal measure in the room of the narrower one which had hitherto prevailed in Scotland. He thought that the Roman Catholic Members had good reason to complain of the conduct of the voluntarists in this matter.

Mr. MIALL said, that no persons were

disposed to do more for the Roman Catholics than the voluntaries; but, with regard to the measure now before the House, he felt that it was opposed to all religious equality, and he thought that the Roman Catholic Members would have acted wisely if, instead of accepting the bargain made with them by the Government, they had stood forward as the advocates of religious equality, and had opposed the Bill.

Mr. IRTON said, that as yet the only answer that had been given to the statements which had been made with regard to the expenses of the measure had been cries of "Oh, oh!" He, for one, should certainly like to hear some explanation as to the amount of expenditure contemplated under the Bill.

Mr. W. J. FOX said, he did not see the propriety of calling on the Lord Advocate to estimate the expenditure that would be required to work the Bill, because he did not see how such an estimate could be formed with any accuracy. He deprecated such complaints as they heard about the money going to Scotland. He thought that they ought to get rid of all such invidious distinctions. He thought, too, that a quarter of a million would be well laid out in raising the character of Scottish schools. It had been argued that the Bill was opposed to the principle of free trade in education. But the principle of free trade was not of universal application. Free trade pre-supposed the existence of a correlative supply and demand. But ignorance never demanded knowledge. Besides, the voluntarists had themselves overthrown the principle of free trade; for they had formed societies for the express purpose of crushing the efforts of individual speculators in instruction. What then, he wished, was to see that large society, the State, doing what was now being done by these smaller educational societies. Let those who complained of sending so large a sum to Scotland be consistent, and vote next year for applying an equally complete system to England and Wales.

Mr. ALEXANDER HASTIE said, he would now move to strike out the words "by the Master" from Clause 27, so as to leave the inculcation of religious instruction to the School Committee.

The LORD ADVOCATE said, his object in introducing the clause was to put a stop to controversies on the subject in the Committee, an object which, if he assented to the Amendment, would be completely defeated.

Mr. Miall

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided*:—Ayes 106; Noes 11: Majority 95.

PARTNERSHIP AMENDMENT BILL.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the chair."

Mr. ARCHIBALD HASTIE said, he rose to move that the House do go into Committee upon the Bill that day three months. In doing so, he must complain that the Bill had been introduced and carried on without the usual opportunities for discussion. It had been brought in without any explanation, and had been read a second time without his having any opportunity of expressing his objections to it. He, therefore, took the present occasion to explain his reasons for objecting to the measure, and he believed he would be able to adduce the opinions of great economists and men of high commercial standing in opposition to the Bill. It was to be expected, that the right hon. Gentleman the Vice President of the Board of Trade, would have shown some deficiency of capital required for carrying on manufacturing and commercial undertakings which rendered necessary the measure he proposed; but nothing of the kind had been proved. The Bill was very artfully drawn, in order to captivate all those who were about to retire from business, whom it would enable to retire—leaving, say 5,000*l.*, with which any clerk or other person who might be selected could speculate without rendering the retiring party liable beyond the amount he continued in the business. It was also his opinion that the Bill was unnecessary, because now that the usury laws were abolished, a person might retire from a concern, taking 10 per cent for the capital he left in it, and then, if a failure took place, he would be treated as an ordinary creditor, an arrangement which was advantageous to all parties. He would not support his objections to the Bill by referring to antiquated French writers, but he would call the attention of the House to the opinion of the greatest modern authority upon the subject. Mr. M'Culloch, in his work upon limited liability, said that several large concerns, such as railways and canals, might be carried on by Joint-stock Companies established upon the principle of limited liability, but there was a class of concerns of a totally different description, such as partnerships for manufacturing, or agricultural, or trading purposes, in which it was necessary to adopt measures suited to sudden emergencies as they arose, and to that class the principle of limited liability could not be advantageously applied. Mr. M'Culloch went on to observe, that the limitation of the responsibility of partners would tend to increase reckless speculation; that the public would have no security that the published capital of a company had been *bonâ fide* paid up, or had not been dissipated; and that the prohibition to the partners *en commandite* to take a share in its management would be practically good for nothing. He would particularly call attention to the remark of Mr. M'Culloch, that he feared the system now proposed would materially affect the high moral standing of the British merchant, who at present felt himself bound to maintain that responsible and honourable course of conduct which had raised him to the eminence and credit which he at present enjoyed. "It was not," said Mr. M'Culloch, "easy to see how such a system could be productive of any good result." What branch of trade he (Mr. Hastie) would ask, what manufacturing or what commercial house was there at the present moment, which could not raise money at 4 and 5 per cent? If, then, capital could be so easily raised, that there was no great work which could not be carried on in any part of the country, why adopt a measure, the effect of which would only be to bring capital into the market at a rate of interest which would be barely more than was obtainable at the present time? Mr. M'Culloch then proceeded to say—

MR. E. BALL: I rise to order. I presume it is not usual that Gentlemen should be allowed to read whole pamphlets as portions of their speeches.

MR. ARCHIBALD HASTIE: I have only followed the practice which I have long found to be pursued in this House, and which the right hon. Gentleman who introduced this measure himself adopted when bringing it forward. [MR. E. BALL: The right hon. Gentleman only read extracts.] Well, those which I am now quoting are only extracts, and, when an hon. Member who is not accustomed to address the House finds extracts in a publication by one of the most shrewd and sagacious writers of the day so clearly and so distinctly to the point under discussion, I think it is no waste of the time of the House for him to refer to them. [The hon. Member then proceeded to read other portions of Mr. M'Culloch's pamphlet.]

MR. JOHN MACGREGOR: I rise to order. The hon. Member for Paisley might as well read to the House the whole works of Adam Smith, or all that has been written *pro.* and *con.* on the subject of limited liability as the pamphlet of Mr. M'Culloch. Why does not the hon. Gentleman make a speech of his own?

MR. SPEAKER: The hon. Member for Paisley is quite in order in quoting extracts in support of his own views, provided he confines himself to quotations which are pertinent to the question. At the same time, there is a discretion to be observed in making such quotations. It is not regular to quote a whole pamphlet.

MR. ARCHIBALD HASTIE: With great submission, Sir, I believe the quotations I have read are quite pertinent to the question; and, in reply to the hon. Member for Glasgow (Mr. J. MacGregor), I would with much deference say to that hon. Gentleman, that unfortunately I do not happen to possess that gift of eloquence, and that rare power of speech, which it is the good fortune of that hon. Gentleman so pre-eminently to possess; and, therefore, I hope the hon. Gentleman will permit me to read a few more extracts. [The hon. Member then read further portions of the pamphlet, vith a view to show that a system of limited liability would be productive of very great disadvantages, unaccompanied by any countervailing advantages.] I must now advert to the several provisions of the Bill, and, with regard to the second clause, I contend that it will give rise to a system of the grossest fraud. I cannot avoid expressing my astonishment that the author of the measure should not at once have perceived the fallacy of that provision. I am convinced that the tendency of this Bill will be to increase fraud and bankruptcy, and to destroy the credit of the English merchant.

MR. MITCHELL, in seconding the Amendment, said that, when the right hon. Gentleman the Vice President of the Board of Trade had introduced his Bill, he adduced but few cases of grievance under the present state of the law; he, in fact, only brought forward two special cases—that of parties who, on retiring from a firm, were desirous of leaving money to their successors, and the case of patentees. The last-mentioned class of cases was very limited, and in the former class of cases no difficulty had, as yet, been found in the way of preventing parties from carrying out their wishes. The present measure was not called for by the public—no petitions had been presented in its favour, and the commercial gentlemen who were examined before the Commission appointed to inquire into the subject were against the proposed alterations of the present law of partnership. He considered that where parties, on the one hand, had the power of making large speculations and receiving unlimited profits, they ought not, on the other hand, to be liable only for losses to a limited extent. That, at all events, was the abstract justice of the case, and they were, therefore, not called upon to make any alteration in the law, either on the ground of the general opinion of the public being in favour of the change proposed, or from a want of capital to carry on the trade of the country. All the evidence brought forward went to prove that they had more capital than was adequate for the business of the country; and, as the tendency of the present Bill would be to create a large amount of surplus capital, the consequence would be that wilder schemes and speculations would be entered upon than had hitherto been attempted. With respect to the details of the measure, the right hon. Member for Oxford (Mr. Cardwell) had conveyed the impression, that under the second clause, gentlemen out of business would be able to lend money to partners *en commandite*, and would still have the control and supervision of their money; but it certainly was not so; for if they engaged in the active operations of the business they would, under the Statute law of the land, become partners in the concern. Clauses 4, 5, and 6, of the Bill imposed no effectual check upon fraud, and even the slight provision for that object originally contained in the Bill had been modified by the right hon. Gentleman (Mr. Bouverie). If B lent A 10,000*l.* of capital under the Bill, and in six or twelve months afterwards found that A was doing badly in his business and likely to be ruined, B might withdraw his money in time to save it from forfeiture, provided he registered its withdrawal. The former Bill, however, afforded such an amount of protection to the creditors of A, that it rendered B's capital liable for a period of a year anterior to bankruptcy; whereas, by the altered shape of the measure, the twelve months had been reduced to three months. Moreover, B was to be allowed to withdraw, not his capital only, but also his profits within the same period. Now, was it to be supposed that merchants, who were engaged in multifarious transactions, had nothing to do but to study the register daily, in order to know what capital had been advanced to, and what withdrawn from every firm with which they might have dealings. Practically, therefore, in ninety-nine cases out of a hundred parties trusting A on the strength of B's 10,000*l.* would never be aware that the money had been withdrawn. Thus, the Bill would offer a premium to illegitimate speculations, and enable a system of the most gigantic frauds to be introduced with impunity. The argument founded on the practice of foreign countries on the subject was inapplicable, there being no real analogy between the case of England and those of France, Belgium, and the United States. In the latter country there was a want of capital, whereas in England that article was abundant, while in Belgium and France the fact was, that the principle of partnership *en commandite* was rapidly falling into discredit, as had been sufficiently illustrated by the figures adduced even by the right hon. Gentleman (Mr. Bouverie) himself, showing that in France only one-fifth of the partnerships were now conducted on that system. On those grounds, therefore, the House ought to support the Amendment before it.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

MR. JOHN MACGREGOR said, he hoped the House would give him a little of its attention on the subject now under consideration. Seeing that he had had the honour to draw up no fewer than forty-two Reports, which were presented to Parliament by command of Her Majesty, on the subject of the commercial system of the nations of Europe and of other parts of the world—seeing that he had also been officially connected for nine years with the Board of Trade, and that his recommendations on the questions of import duties had all been ultimately carried through Parliament by Sir Robert Peel—he hoped that he had some claims upon the attention of the House, although he might not boast the same gifts of eloquence as the hon. Member for Paisley (Mr. Archibald

Hastie), who had favoured the House with such literal quotations from a pamphlet. Nobody but the large capitalists were opposed to limited liability. Therefore he was not surprised that Lord Overstone was hostile to it. He should much like to know, however, whether that nobleman's father, when he travelled about as a Unitarian minister, would not have been glad to invest *5l.* if he thought he could get 5 or 10 per cent interest for it. He (Mr. Macgregor) thought it right to tell bold truths, because Lord Overstone was now a millionaire of commanding influence in that city, but for which circumstance he would never have been Lord Overstone. An honest man who told the whole truth was a better man than one who went as plenipotentiary to any part of the world. There were many persons who wished to become Lord Overstones by preventing the poor man from investing *5l.* without incurring an unlimited responsibility. He (Mr. Macgregor) was in favour of a liability limited to double the amount subscribed, but beyond that he would not go. Without the system of limited liability Lille and Lyons and Marseilles and Bordeaux would never have become the seats of industry they now were. Let them take warning by the past. They were at one time offered an *8s.* duty on corn, and a protection of 50 per cent on West India sugar; but where were they now? He was present also when a deputation of several shipowners prayed Mr. Huskisson to keep on the timber and other shipbuilding duties, in order that the smaller capitalists might not be in a condition to compete with them. He warned them how they denied their just rights to the industrious classes.

MR. WILKINSON said, he should support the principle of the Bill. It was said that capital abounded where there was a reasonable prospect of an advantageous return. But he believed the present law was a great hindrance to the profitable employment of capital. The Hon. Member for South Lancashire (Mr. W. Brown) said in his evidence before the Committee of 1854 that the less they interfered with individual enterprise the better. He willingly admitted that principle, and therefore it was that the advocates of the measure were not looking to legislation, but to repeal legislation. He thought that the labouring classes would not be able to avail themselves of borrowed capital, but they would be discontented as long as they were not allowed the opportunity of getting it. He hoped the House would not allow the Bill to go into Committee.

MR. CARDWELL said, he thought no more time should be occupied in preliminary discussion at that hour of the night, but the House should go into Committee at once. He only wished to clear himself from a misconception, which seemed to have arisen about the observations which he made upon a former occasion. There were two grounds upon which persons could be held liable for the debts of a partnership. One would be, that they held themselves out to the public as partners; and the other, that they participated in the profits. These grounds were totally distinct and separate. The Bill dealt only with the second condition, participation in profits; and the statement which he had made with reference to the Bill was perfectly correct. A man might, consistently with the operation of the Bill, if he were a dormant partner, enter by deed and document into stipulations which would enable him to protect his capital; but the Bill would not enable him to do so whilst holding himself out to the world as an active partner. That would be contrary to every principle of law and justice, and he (Mr. Cardwell) could never consent to any enactment of that kind.

MR. MALINS said, he thought that a fallacy ran through the arguments of the hon. Members for Paisley (Mr. Archibald Hastie) and Bridport (Mr. Mitchell), inasmuch as they had entirely overlooked the fact that the Bill did not address itself to ostensible partnerships, but solely to dormant partnerships. The hon. Member for Paisley complained, that the Bill allowed dormant partners to withdraw without the public being made acquainted with the fact; but he did not see how that could be a grievance, since the public never were aware of those partners joining. As the law now stood, a man could silently join a partnership, and silently retire; but under the proposed Bill a man could neither join nor retire without the public being made cognizant of it through the means of registration. With regard to the much-used argument, that there was no want of capital in the country, he must observe that there was no lack of capital for the rich, but that there was a great want of it for the poor. There was a great want of capital for men who were commencing life—there was none for those who had gone through it and had made money. What was required therefore was a rational system of dormant partnership, which should encourage the advance of capital by those who had it to those who had it not, but who had industry and energy, without the capitalist incurring those large risks which amounted practically to an entire prohibition—a measure which should promote the union of capital with skill, industry, and enterprise, which were such essential elements of success in a commercial country. He did not rely upon the authority of the great capitalists, like Lord Overstone, upon a question like the present; he would rather take the opinion of Lord Overstone's father, who began the world as a poor Dissenting Minister, and who would better understand the interests of young men struggling to establish themselves in business. He gave his hearty support to the Bill.

Mr. GREGSON said, it seemed to him that the object of the Bill was to set up a new class of petty monopolists; its principle was extraordinary, and was objectionable. The Liverpool Chamber of Commerce had voted two to one against it, and men of business thought the country were of the same opinion.

Mr. W. BROWN said, he must also express his disapproval of the Bill, and his fear that it might tend to disturb the high commercial reputation of the country, and eventually be as injurious to the general interests of England as limited liability had proved to be in France and elsewhere.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

House in Committee.

Clause 1, *agreed to.*

Clause 2, (lenders to persons or partnerships, not being bankers or bankers' partnerships, are not to be deemed partners).

Mr. GURNEY said, he wished to point out that there existed no very clear definition as to what a banker was, and, therefore, it might happen that a man might lend money—the borrower might do some act by which he would be held to be a banker, and so the creditor might be liable to an unlimited partnership by an act on the part of the borrower to which he was not privy. He thought it a matter of consideration whether some clause should not be introduced defining what a banker was within the meaning of the Bill.

Mr. GLYN said, that by a recent Act of Parliament, all bankers were compelled to register their names at the Stamp Office and pay for an annual licence; and that he took to constitute a definition of what a banker was.

Mr. GURNEY said, it was perfectly possible that a firm which ought to return itself in that way might not return itself, and in that case it could hardly be said that by such an omission the firm was taken out of the category of bankers.

Mr. VANCE said, he wished to point out that the Bill was borrowed almost entirely from an old Irish Act of Parliament, which bore the date of 1781. One very curious provision in that Act was that half the profits made by the anonymous partner should remain invested in the business, and also that any anonymous partner who meddled in the business transactions should be held liable to the extent of his means. It was rather unfair that the wisdom of the Irish Parliament should be made use of for the purposes of an English Act without one word of acknowledgment.

Mr. CAIRNS said, that the Irish Act in question was so clogged in its details with regard to registration and other matters that it was rendered a perfect dead letter; and, so far as he knew, no partnerships had taken place under its provisions.

Mr. HUSSEY VIVIAN said, he proposed to add to the second clause the following proviso:—"Provided that the moneys borrowed shall not exceed the amount of capital employed in the trade or business." It appeared to him that, without such restriction, the clause would leave a door open to great fraud, and, though the original capital *en commandite* might be exceeded three or four times by the profits, yet in the case of the bankruptcy of the concern the lender would only be liable for the amount of the loan.

Mr. BOUVERIE said, that it was often impossible to ascertain the amount of capital embarked in a business, and even if it were, the proviso would not be just or expedient.

Mr. MALINS said, he fully agreed with the right hon. Gentleman that the proviso would go far to defeat the objects of the Bill.

Mr. THOMSON HANKEY said, that it would not only nullify the objects of the Bill, but it would be impossible that a balance could be struck so as to let a creditor know every day and every hour the amount of capital in a concern.

Amendment *withdrawn;* Clause *agreed to.*

The House resumed; Committee report progress.

LADY RAGLAN AND LORD RAGLAN'S ANNUITIES BILL.

Order for Second Reading read.

Mr. W. WILLIAMS said, he did not intend to object to that part of the Bill which referred to Lady Raglan, but he thought it was highly objectionable to tax posterity for an annuity for the present Lord Raglan. If anything was to be done for that young nobleman it ought to be in the shape of a sum of money paid by the present generation. The annuity proposed for Lord Raglan exceeded the pensions conferred upon very distinguished officers who had rendered great service to their country. For example, Lord Rodney obtained only, 2,000*l.* a year, and the same sum was conferred upon the descendants of Lord Nelson; yet no one would say that the services rendered by the late Lord Raglan were to be compared to those rendered by either of those distinguished men. Lord Gough had only 1,000*l.* a year, although his services were at least as valuable as those of Lord Raglan. He could mention other cases of the same kind, but, after the opinion expressed by the House upon a former occasion, he should not oppose the second reading of the Bill, contenting himself with having addressed those few remarks to the House.

Bill read 2°.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, July 10, 1855.

MINUTES.] PUBLIC BILLS.—1ª Gold Wedding Rings; Burial of Poor Persons; Commons Inclosure (No. 2); Bills of Exchange and Promissory Notes; Public Libraries and Museums; Incumbered Estates (Ireland) Act Continuance.

2ª Victoria Government; Waste Lands (Australia) Acts Repeal; New South Wales Government; Places of Religious Worship Registration; Youthful Offenders (No. 2).

3ª Burial-Grounds (Scotland); Indemnity; Court of Exchequer (Ireland); Stock in Trade; Copyhold, &c. Commission Continuance.

OUTRAGE ON A FLAG OF TRUCE AT HANGO.

THE EARL OF MALMESBURY: Seeing my noble Friend the Secretary for Foreign Affairs in his place, I wish to ask him what progress he has made in the inquiry he has instituted concerning the melancholy affair that took place some time since at Hango? When I last brought the subject under the attention of the Government, my noble Friend said he had lost no time in requesting the Danish Minister at St. Petersburg to obtain information and explanations from the Russian Government as to the cause of what appeared to be a wanton and cruel massacre. It appears that in the meantime Admiral Dundas, anticipating the wishes of the Government, has sent a flag of truce to the Commander in Chief at Helsingfors, requesting explanations upon the subject, and the correspondence between Admiral Dundas and the Russian General has been printed in *The Times.* My Lords, I am glad that that flag of truce arrived safely at its destination, and that the Russian Government did not a second time disgrace itself by violating one of the most sacred international laws ever instituted between different countries. But I cannot find in the answer of General De Berg, any justification of what has occurred; nay, I am sorry to say, his reply aggravates the cruelty and inutility of the massacre. I will bring some sentences of his letter under your Lordships' notice. It begins, not by any expression of regret at what has taken place—and there is no expression whatever of a sentiment of regret from one end to the other of the despatch—but by accusing us of following a custom which was certainly common in the last war, and which, I believe, has been followed throughout all wars within the memory of man—it accuses us of sometimes hoisting Russian colours, with the intention of deluding Russian ships and so capturing them. This accusation requires no answer, because it is very well known that it has always been looked upon as a perfectly fair *ruse* at sea to hoist the flag of a different nation in order to entice an enemy into our hands, and that this *ruse* has never been found fault with, and has been employed by the greatest and most generous commanders. General De Berg proceeds to throw doubt upon the statement of Captain Fanshawe, and, consequently, upon the despatch and the accusation of Admiral Dundas, and throughout the letter, in speaking of the intentions of the boat and of the captain of the vessel, he uses the words "pretence" and "pretended." It is hardly possible, however, to conceive how he can justify the argument that we had any hostile intentions in landing upon the coast as we did—because, in the first place, the men were in a single boat; in the second place, they were carrying with them five Russian prisoners whom they generously intended to restore to their countrymen; and, lastly, there were three persons in the boat who were certainly not likely to assist in any hostile demonstration—I mean the ship's stewards, who intended, if they were allowed, to land and obtain provisions. General De Berg proceeds to say that Lieutenant Geneste "pretended" to have had a small white flag hoisted, and this is the second time he makes use of the adjective "small." But, whether the flag was large or small, it was equally a flag of true, just as General De Berg, whether he is a giant or a dwarf, is equally an aide-de-camp to the Emperor of all the Russias. Therefore, if he means anything by this expression, he means that the flag was not visible to the naked eye, and was not perceived by the officers and the troops on shore; but it appears to me perfectly impossible that this could have been the case, because, according to Captain Fanshawe's statement, the flag was hoisted within half a mile of the shore. I am perfectly willing to admit that there was an irregularity in the conduct of our officers, and that we ought not, strictly speaking, to have landed until the flag of truce had been replied to; but that is no justification of the conduct of the Russians. They saw the boat, because they lay in ambush for it; and an ensign (I will not mention his name for fear of making a mistake in the pronunciation), with the body of men he commanded, was ensconced coolly and quietly in hiding, waiting until the landing took place. The boat must, therefore, have been seen; and, if the flag of truce was not to be answered, it was the duty of the Russians, as honourable soldiers and Christian men, to do what is usual upon such occasions, namely, to make signals from the shore that it would not be received. No such signal was given, and no human being was seen upon the quay until Lieutenant Geneste and the boat's crew had landed. If there were any doubt as to the boat having been seen, we have General De Berg's own words upon the point—

> "The crew of Lieutenant Geneste's boat were caught in their own trap; seven men were killed, four wounded, and the remainder made prisoners, as the list I enclose will inform you. The affair only lasted a moment."

"Caught in their own trap" is the expression; so that General De Berg still insists that the intentions of Lieutenant Geneste were hostile. "The affair only lasted a moment!" No wonder, when sixteen men, with no arms in their hands, not expecting to be attacked, were fired upon by 200 or 300 people. The statement of the survivor was incorrect as to the number of persons killed; but this inaccuracy may be easily accounted for, because he was struck, and, according to General De Berg himself, seven men were killed and four were wounded. This was quite as much a breach of the law of nations and a cruel massacre as if every one of the crew had been destroyed. What is the evidence of Captain Fanshawe as to this? He says—

> "When the boat got back to the ship, I may here mention the dead body of one man was found. There were two shots through his leg, which he had had time to bind up with a silk handkerchief before he received two fatal wounds, one in the abdomen and the other in the head."

This shows that after the unfortunate man was disabled by the shots in his leg, he was, in cold blood, murdered. There is one sentence in General De Berg's letter which I desire that my noble Friend should explain, or, if he cannot do so, make some inquiry about—the General makes the following accusation—that on the 14th of May an English cutter, hoisting a white flag, destroyed a defenceless village. This is a subject that requires some explanation, as it involves a very serious charge against the officers and seamen in Her Majesty's service. There is not, however, one line in his despatch which can justify the cruel massacre which took place at Hango. It is stated in translations from the Russian newspapers that I have seen, that the ensign who was engaged in this outrage has received, in consequence of his great victory, a decoration. If this be so, his general has deeply identified himself with this cruel act; and I should like to know the feelings with which the thousands of brave generals and officers in the Russian army, who have gained medals for their conduct at Alma, Inkerman, and in the conflict on the 18th of last month—I should like to know the feelings with which they will attach to their uniforms the same medal which has been awarded to this ensign. I cannot help contrasting the behaviour of De Berg with that of his countryman and fellow-soldier General Osten Sacken. When the *Tiger* was cast on shore the Russians might easily have committed an act similar to that which has been perpetrated at Hango, and have murdered every one of the *Tiger's* crew; but they were spared, and they were, according to the most humane rules of war, treated with kindness and care; and that they were so treated was mainly owing to the good feeling of the general whom I have mentioned. I hope that the Russian Government will feel that the conduct of this ensign, and the despatch of the general justifying and identifying himself with the conduct of the younger officer, are unworthy of the officers of a great Sovereign and of a great nation like Russia.

THE EARL OF CLARENDON: My Lords, I am sorry to say that I am not in a position to supply the further information which my noble Friend has asked for. A copy of the despatch has been received which Admiral Dundas addressed to the military officer in command at Helsingfors, detailing to him the circumstances of this cruel massacre, and trusting that he would be able to give such an explanation of this transaction as would vindicate the honour of the Russian flag. General De Berg, as your Lordship's are aware, has returned an answer to this despatch, but the explanation given cannot be considered satisfactory, and I think that answer has been justly characterised by the noble Earl. Neither has the general vindicated the honour of the Russian flag. He has replied to the despatch of Admiral Dundas by making unsupported charges against us—he has asserted that we have hoisted Russian flags with a view of deceiving them, and that we have, under a flag of truce, taken soundings. The only passage in his letter which can be considered satisfactory is that from which we learn that, instead of seventeen men having been murdered, as we were at first led to believe, only seven were killed. An answer has been sent to this letter by Admiral Dundas, under the instructions of my right hon. Friend at the head of the Admiralty (Sir Charles Wood), very much in accordance with what has just fallen from my noble Friend (the Earl of Malmesbury). Admiral Dundas was desired to inform General De Berg that it was impossible that we could believe the statement that no flag had been hoisted, or that it had not been seen; that it was the known custom in the Baltic, and elsewhere, to make such an announcement of a peaceful and merciful mission; and that, even if the flag was not seen, yet that this was no justification for the cruel massacre which had taken place, for the Russians might easily, with the overwhelming force which they brought down, have taken as prisoners the men when they were standing unarmed upon the pier. With respect to the assertion that the boat could not have come upon a peaceful mission, because there were arms in it, Admiral Dundas was directed to state that the muskets found were those belonging to the boat; that they were lying at the bottom of the boat unloaded, and covered by the tarpaulin on which the prisoners' luggage was laid;—so that the Russians could not have known that the muskets were in the boat until after they had committed their merciless and murderous act. With respect to the assertion that we had hoisted the Russian flag on several occasions, Admiral Dundas was directed to observe that this was a common stratagem, which was resorted to by the cruisers of all nations, and the only limit to this stratagem was that, before the actual commencement of hostilities, it was required that the vessels should hoist their real national colours. As to the charge to which my noble Friend has called the attention of the Government, with respect to one of our ships, under cover of a flag of truce, having made an attack on and destroyed an unsuspecting village, the Admiralty have received no information with respect to such a transaction, and Admiral Dundas was instructed to say that we did not believe, and could not believe, that any officer in Her Majesty's service would have so abused a flag of truce, or have acted contrary to the usage of nations. With respect to the particular point referred to of an English boat, under a flag of truce, having taken soundings at Kertch, on the very day on which the despatch referred to was received, the officer who commanded the boat where these soundings were alleged to have been taken, arrived in England, and he said that there was not the slightest foundation for the charge which had been made. Under these circumstances, it is impossible to say what the real facts of the case are, or in what manner the flag of truce was hoisted, or the possibility of its having been observed by the Russians, until Lieutenant Geneste and the survivors are set at liberty, or allowed freely to communicate with the Admiral. Admiral Dundas has been instructed to demand, the immediate release of the prisoners; founding such demand upon the circumstances of their capture. Instructions were sent on the 23rd of July to communicate through the Danish Government with the Government of Russia; there had not yet been time for the reception of any answer from the Russian Government, and, until the answer is received it is impossible to know what the conduct of the Russian Government has been, and will be, with reference to this matter; and this we must know before we decide on the course which ought to be taken by the Government of this country.

LORD CAMPBELL said, that having devoted a considerable portion of his life to the study of the law of nations, he had no hesitation in pronouncing that, even upon the showing of General De Berg, the massacre of Hango was a flagrant and most flagitious violation of that law. The hoisting of the colours of one nation for the purpose of entrapping the ships of another had always been recognised as a legitimate stratagem of war; but firing on a flag of truce was altogether a different matter. Flags of truce were things which had been known and respected for centuries—in fact, they dated even beyond the era of modern civilisation, for the ancient Greeks used to send out their heralds with a flag of truce. The flag of truce was understood and respected by every country of the world that was not sunk in hopeless barbarism. As for the decoration bestowed upon the young Russian officer who had been the first to outrage one, he could only compare it to the mark set upon the brow of Cain the first murderer.

LORD COLCHESTER did not doubt that the conduct of the Russians in this unfortunate affair was all that could be imagined of base and unmanly; but he hoped that especial care would at all times be taken to regulate our proceedings, as regarded flags of truce, in the strictest and most accurate manner, so as to preserve the lives of our own men, and to rob the enemy of anything even resembling an argument for their disgraceful conduct. He could not extenuate the conduct of General De Berg, or find any palliation for it. At the same time, he was bound to say that there were circumstances connected with this flag of truce which ought not to have occurred. He hoped that, in order to deprive the enemy of even the shadow of a pretext for disregarding the practice of honourable warfare, care would be invariably taken to conduct the arrangements as regarded flags of truce with the strictest possible regularity—that no persons would be allowed into the boat except those who were specially required for the purposes of the mission, and that arms would not be permitted to be stowed away in the boat. While he made this remark, he wished it to be understood that he did not in any way challenge the conduct of Admiral Dundas, who, he was sure, had acted in an exemplary manner; nor had he any doubt that the conduct of the enemy was base and outrageous.

THE EARL OF MALMESBURY trusted that we should be able to obtain the depositions of Lieutenant Geneste and the other persons who were taken prisoners by the Russians. While on the subject of prisoners, might he ask the Government whether there was any chance of our having a general *cartel* for the exchange of prisoners taken on both sides during this war?

THE EARL OF CLARENDON replied, that he had the satisfaction of being able to answer the noble Earl's question in the affirmative. A proposal for an exchange of prisoners had been accepted by the Russian Government, and a joint commission of English and French officers had been appointed to sit at Paris with the view of arranging the terms of the *cartel*.

VICTORIA GOVERNMENT BILL.

Order of the Day for the Second Reading read.

EARL GRANVILLE, in moving the second reading of the Bill, said that it would not be necessary for him to trouble their Lordships at any length, the subject to which it and the other two Bills, which stood on the paper, referred being already perfectly familiar to them. Their Lordships were aware that an Act was passed in 1850, extending the constitution which had been previously given to Van Diemen's Land and South Australia, and enabling the Legislature of those colonies to revise their own constitution. The same powers were afterwards conferred on the Legislature of Victoria. Some misunderstanding subsequently arose while Sir John Pakington was at the head of the Colonial Department, on the subject of a nominative Upper Chamber for Victoria; but that question was happily set at rest by the Duke of Newcastle. Colonial Acts, establishing Constitutions for Victoria, South Australia, New South Wales, and Van Diemen's Land, respectively, were afterwards sent home to the Imperial Government for its sanction. In the case of Van Diemen's Land, no difficulty whatever had presented itself, and the assent of the Crown to the Colonial Act had, therefore, already been granted. With regard, however, to the South Australian Constitutional Act, it was found that the colony had exceeded its powers. After much consideration, the Government at last determined that the least objectionable course was to take the colonial measure as it stood, without subjecting it to alteration, and then to pass an Act in accordance with the precedent of the Canada Bill of 1847, by which means they would obtain the authority of Parliament to enable the Crown to give its assent to the act of the colonial Legislature. With this view, the Bill now before their Lordships had been introduced, and he, therefore, begged to move that it be read a second time.

Moved, that the Bill be now read 2^a.

LORD MONTEAGLE admitted that the principle of this Bill and "of another of a similar character introduced" into Parliament, was one requiring decision on the part of the Government, and it might be injurious to the colonists themselves if any unreasonable delay were allowed to occur in giving effect to some legislative measure upon this subject. At the same time he thought the House ought to consider well whether a measure like this was the best and most convenient mode of overcoming the difficulty which had unhappily arisen. In 1850 his noble Friend (Earl Grey), then Secretary of State for the Colonies, introduced a Bill creating separate constitutions in the Australian colonies previously placed under the authority of one Government. At that period it was resolved that the waste lands of these colonies should no longer be retained within the control of the Home Government, but should be placed at the disposal of the colonial Legislatures; and clauses for effecting such a transfer of authority over them were originally included in the Bill of 1850. Those provisions were, however, afterwards withdrawn from the measure; whereupon the colonists complained that they were defrauded of what they considered was their right, and they also accused the Government of a breach of faith with them on this subject, to which they justly attached the highest importance. By the same Bill the colonial Legislatures were empowered to frame new constitutions for themselves, through the agency of those very Legislatures condemned by the Bill itself. Four of these colonies had availed themselves of the powers thus conferred upon them; and all had adopted the principle of a Government through two legislative bodies, the very principle which this House had declined to affirm when he (Lord Monteagle) had urged its adoption in 1850. The principle of legislation involved in the Bill of 1850 was this—the legislative bodies were authorised to pass a Bill framing a new constitution, which was to become law on receiving Her Majesty's approval, to be signified by Order in Council; but certain limits were laid down, beyond which the colonial Legislatures were not permitted to pass. But unfortunately in each case the Bills which had been sent over from the Australian provinces violated the very principles on which the Legislative Assemblies were authorised to proceed; they contained clauses which set at nought the rights of the Crown, and they were inconsistent with Acts of the Imperial Parliament. It was impossible, therefore, because it would have been illegal, for the Crown to assent to the Bills in the shape in which they were passed, and in the two instances of Victoria and New South Wales, the very singular course had been adopted by the Secretary of State, who had by his own authority expunged from the Bills those clauses which had been inserted by the colonial Legislatures *ultra vires*, and giving to them in that form the assent by which they were to become law. This, he contended, was a violation of the Bill of 1850, by which it was distinctly provided that the Royal assent was only to be given to the Bills sent from the colonies, whilst those consented to by the Crown were not the Bills which had been sent over, inasmuch as portions of them had been struck out in this country by the authority of the Government. This was a grave embarrassment, and he foresaw that it might lead to great difficulties in the future working of the Bills. The Bills from Van Diemen's Land and from South Australia, in both of which the powers granted by the Act of 1850 had been exceeded, had been most properly sent back and submitted afresh to the Legislatures which had passed them. The Legislature of Van Diemen's Land had amended its original Bill, and he believed the Legislature of South Australia was about to do the same. Why was not the same prudent course resorted to in the other instances? The Government had had sufficient time to take the same course with regard to these Bills, inasmuch as they arrived in this country in 1854, and he regretted very much that they had not done so, for so all the difficulties he had described would have been avoided. Certainly some allowances should be made for the succession of blunders, when it was remembered that during the last twelve months there had been four successive Secretaries of State appointed to administer colonial affairs. Under such circumstances, how could it be expected that colonial legislation would be conducted upon any consistent or efficient system? To that circumstance he attributed it, that no attempt had been made to obtain in the colony of Victoria, by the just and legitimate application of the same principles which had been acted upon in the case of Van Diemen's Land and South Australia, the assent of the colonists themselves to the necessary alterations in the Bills which they had sent over to this country. The Bill for the settlement of waste lands had come too late, for a state of discontent had been produced in the colonies which could not now be remedied. The original mischief had been the adoption of the theory of Mr. Wakefield, and the attempt to fix by law the market price of an article which, like all others, must necessarily fluctuate with the demand and the supply. Land became unsaleable at an upset price of 1*l*. Licences for occupation and the squatting system followed, and the result was the creation of a monopoly of land, a monopoly of political power, and an aristocratic interest which must throw great difficulties in the way of the colonies, and prevent the land being profitably employed. There was another point to which he wished to direct the attention of the Government. Under the law as it stood, an important privilege was reserved to the Crown in respect to the colony of Australia, the privilege of dividing it hereafter into provinces and new colonies, the privilege which had been acted upon in respect to Victoria, South Australia, Western Australia, and Van Diemen's Land. Great anxiety was felt in the district of Moreton Bay and the northern provinces, lest they should be excluded from similar advantages. He earnestly hoped there was nothing in the present Bill, or in the intentions of the Government, which would divest the Crown of the fullest power of acting on that privilege in other cases as they saw fit. The people of Moreton Bay possessed just as good a right prospectively, to have an independent constitution granted to them as any of the colonies that Parliament was now dealing with. Another point to which he wished to draw the attention of the Government was the manner in which the land and emigration fund had been dealt with. The Legislature of Victoria, in the course it pursued, had violated the law and exceeded the limits of good sense and justice. By an Imperial Act, which no colonial Legislature were competent to repeal, the produce of the sale of waste lands was divided into two portions, one portion being appropriated exclusively to the purposes of emigration. Australia having partaken of the excitement which followed the discovery of gold, and which, to a certain extent, made it a curse instead of a blessing, had forgotten the obligations of that Imperial law, had seized the funds appropriated strictly to emigration, and had applied them to the general expenditure of the colony. The colony itself would be the main sufferer from this unfortunate violation of the law. He wished, then, to know whether the House was to consider that question to be now entirely disposed of, or whether any remedial measure was contemplated by the Government on the subject? Though he had felt it his duty to call the attention of the House to these points, it was not his intention to throw any difficulties in the way of this or the other Bill before the House, knowing as he did the great inconveniencies which would result from postponing the settlement of these important questions.

Earl GRANVILLE said, he did not think it necessary to follow his noble Friend through all the topics of the speech which he had just delivered with so much ability and fairness, and in which he had, with the most perfect consistency, rather criticised our former policy than referred to the two Bills to which he had now to ask their Lordships to give a second reading. There were two practical points with regard to which his noble Friend asked an explanation, and to those only he would refer. The first was, whether it was the intention of the Government to introduce any measure with respect to the misapplication of monies by the colonies derived from the sale of lands? To that question he was unable to give an explicit answer, but he should make it his duty to inform himself upon the point. He did not understand exactly what the charge of misapplication of money turned upon; for, by Sir John Pakington's measure the money was allowed to be dealt with by the colonies, and therefore he did not see how they could be said to have misapplied it. As to the separation of the northern provinces and their erection into a separate colony, if his noble Friend looked to the 6th and 7th clauses of the New South Wales Bill he would find that point fully provided for. His noble Friend spoke of the inconveniences of the changes that had taken place in the Colonial Office; but he did not see that there had been any inconvenience at all. No doubt his noble Friend, who was in possession of a permanent office, felt the great superiority of his position over those who were liable to be changed from day to day; but he, nevertheless, could not show that any inconvenience had in the present instance been caused to the public service. He did not believe that, if there had been any one Colonial Secretary in office during these two years, he would have found it expedient to send these two Bills back again to the colonies, as such a step could hardly have failed to be productive of irritation, while there was no likelihood that any material change would have been consented to by them.

Motion *agreed to;* Bill read 2^a accordingly; and *committed* to a Committee of the whole House on *Thursday* next.

PLACES OF RELIGIOUS WORSHIP REGISTRATION BILL.

Order of the Day for the Second Reading read.

Lord BROUGHAM in moving the second reading of this Bill said, that by the Toleration Act all Dissenters were exempted from the penalties to which they were subjected under former Acts on condition that their chapels should be kept open during divine service, and be duly certified and registered. In 1812 some alterations were made by Lord Sidmouth's Act, but the present Bill was rendered necessary to correct an error in the Act of 1852, carried by the then Bishop of Salisbury. The object of that Act was to render unnecessary the registry and certificate of Dissenting chapels in the Bishops' Court, the Archdeacon's Court, and the Quarter Sessions, and to transfer the certificate and registry to the Registrar General and his deputies in the provinces. But how was that object accomplished? It was a most marvellous illustration of the absolute necessity, he would not say of a Minister of Justice—for he knew that was a most unpleasant doctrine—but of a Department of Justice, charged with the preparation of Acts of Parliament, for he felt assured that, had such a department existed, the error which he was about to point out to their Lordships never could have been committed. The Act declared that all registries and certificates by the bishop, the archdeacon, and the sessions should be absolutely null and void, and then it said, in lieu thereof, "Let there be a registry and certificate by the Registrar," adding, "and such certificate shall have the same force and effect with a certificate by the bishop, the archdeacon, and the sessions," of which another section of the Act had declared that it was null and void. It turned out that under this Act no less than 6,516 Dissenting chapels had been registered and certified by certificates declared to be null and void, so that all the original penalties were revived against every one of these Dissenting chapels. It might be said the penalties were not in force; but, even admitting that they were harmless, this took place. Under the Act passed in 1836, with respect to civil marriages and marriages in Dissenting chapels, a marriage in a Dissenting chapel was only valid and the issue of that marriage legitimate, when the chapel was licensed; but it could not be licensed unless certified to have been registered, so that every one of these 6,516 chapels were prevented from being legally licensed for the solemnisation of marriages. But several hundreds, and, probably, all of those chapels had been licensed, and the marriages that had taken place in them were null and void—as null and void as the certificates. He must say that, so far as he knew anything of the feeling of Dissenters, they were not at all satisfied with the existing law, or with the law as it would be amended by this Bill, for they could see no reason why certificates should be required in order to exempt them from the penalties of that barbarous code of which at least a remnant unhappily still remained in force. To say that they would bear with Dissenters for doing that which they had as good a right to do as Churchmen, was utterly absurd and inconsistent with the principle upon which they professed to be dealing with Dissenters. They might as well talk of tolerating him in walking across the street, or in entering and leaving his house when he chose, as of suffering a man to worship according to his conscientious convictions. He wished to protest against the views which were entertained on this subject in some quarters, and he begged to move that the Bill be read a second time.

Moved, That the Bill be now read 2ª.

THE LORD CHANCELLOR said, that undoubtedly the Bill was an exceedingly proper one, and would remedy a great misfortune if in truth marriages in chapels, licensed under the recent Act, were of doubtful validity, in consequence of the defect in the certificate which his noble Friend's construction of the Act would imply. In looking over the Bill, he doubted whether the construction of his noble and learned Friend was correct, for he thought the clause only meant that the certificate should be equal in force with those which used to be granted by the bishop before the passing of the Act of 1852. If, however, there was any doubt on the subject, the Bill ought to pass into law. With regard to what his noble and learned Friend had said on the subject of toleration, he entirely agreed with him, but as regarded registration of chapels, he must insist upon the imperative necessity that those places of worship in which marriages were celebrated should be certain and known; otherwise we might have a similar laxity with regard to marriages as prevailed in Scotland, and that could only be prevented by the registration of places where marriages were solemnized.

LORD BROUGHAM said, it must not be supposed that he did not wish places to be registered where marriages took place. His opinion on that point was quite the reverse.

THE DUKE OF ARGYLL said, he hoped when the Bill of the noble Earl (the Earl of Shaftesbury) came on, there would be no attempt to confound it with the present Bill, for the two Bills were quite distinct.

THE EARL OF SHAFTESBURY said, that Dissenters as well as churchmen were affected by the penalty which his Bill proposed to remove, and they equally desired its removal.

Motion *agreed to*; Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

THE DIPLOMATIC SERVICE.

THE MARQUESS OF CLANRICARDE, in moving "That an humble Address be presented to Her Majesty, for a Return of all Persons employed in Her Majesty's Diplomatic Service, with the dates of their first Appointments and of their subsequent Promotions," said, he thought it his duty to move for this Return in consequence of numerous attacks having lately been made, both in speeches and in writing, against the diplomatic service of the country. These attacks were most unfair as well as unfounded, and, if ever there was a time when it was injudicious and unpatriotic to depreciate the diplomatic service, he believed it was the present. The objections which had been made against the diplomatic system were twofold: first, that it was radically a bad system; and next, that it was badly conducted and administered. He was no opponent of administrative reform, and he had no doubt that in our diplomatic service there was abundant room for improvement; but at the same time he denied that the present system had worked ill, or that the diplomatic servants of the Crown had not performed their functions creditably, honourably, and usefully. It was said that too great favouritism was exhibited in the appointments which were made, that merit was almost invariably sacrificed to routine, and that no man could rise in the service by study, application, and ability alone. For his own part, he did not believe that merit had been sacrificed to routine, and it was to supply materials for thoroughly inquiring into any case of abuse that might be discovered that he moved for this Return. With regard to the charge that merit was entirely sacrificed to Parliamentary and political influence, he wished to call the attention of their Lordships to the fact, that in the twenty chief diplomatic missions—namely, the two embassies and eighteen first-class missions—the individuals who were now at the head of those missions, had been every one of them in the public service so long ago as the year 1828. That, to his mind, was a *primâ facie* evidence that persons were enabled to rise in the diplomatic service steadily and regularly, without political and Parliamentary influences preventing them from receiving the highest appointments in the service. The most important post in the diplomatic service was that of Ambassador. There were now only two ambassadors, and he denied that either of these had been appointed by favouritism. He was a member of the Government when the last appointment was made to the Embassy at Paris, and he knew of his own knowledge the great solicitude of his noble Friends then at the head of the Government, and of the Foreign Office (Lord John Russell and Earl Granville) to discover the best man who was suited to the post, and it was not until the most cautious and careful inquiry, that Lord Cowley had been selected for the appointment. Lord Cowley was not selected from motives of family connections or political friendship, but because he was looked upon as the best man who could be found to represent Her Majesty at Paris. No one could deny that Lord Stratford de Redcliffe was appointed to the Embassy at Constantinople because there was no other English subject so thoroughly conversant with Eastern politics, and he believed that the same principle generally guided our diplomatic appointments. He thought the present system was administered with fairness, although he did not say that no appointment was ever made from personal or political influences. But a number of persons would always carp at every appointment, not only in the diplomatic service, but also in the Church, in the army, in the navy, or in any other profession. The diplomatic service of no other country stood higher than our own, and, in his opinion, it had rendered great services to the nation. Many persons thought the duties which the members of that service had to perform were very slight, and some authorities, in their examination before the Committee of the House of Commons on Official Salaries, a few years ago, said, that now the communication between London and Paris was so easy, there was no occasion for any diplomatic agent at Paris, and that the watchfulness of the press was sufficient to keep us in possession of what was going forward abroad. He did not entertain that opinion. He thought, although brilliant abilities might not be necessary, great and peculiar qualifications were required in members of the service. The duty of a diplomatic agent was not merely to record facts, and he denied that the public opinion of foreign countries could be learnt from the press better than from the leading men of those countries. The French Revolution of 1848, was an event with regard to which it was most important that some warning should be received by the Government of this country, and he had referred back to see what trust was to be placed in the opinions expressed by the press upon that subject. The morning papers spared no expense in obtaining the best possible information upon all matters that passed abroad; *The Times* newspaper, especially, paid gentlemen with the greatest liberality to obtain information to guide their judgment as to what happened in foreign countries, selecting them, of course, not from motives of political bias or personal favour, but as the best men to be procured for that purpose. What was the information given by *The Times* upon this particular subject? On the first day of the revolution, when the barricades were being erected, the following passages appeared in an article upon the state of Paris:—

> "The demonstration and the disturbances which occurred in Paris on Wednesday may occasion a vast deal of public alarm and some deplorable incidents; but we can entertain no doubt that, politically considered, they will tend to increase the strength of the Government and expose the imprudence of the Opposition. . . . . We suspect it will turn out that no serious popular insurrection is even probable. The people have been stirred, but not inflamed. They are shaken, but not irritated; they are unarmed, and no preparations for insurrection had been made. Under such circumstances the result is certain."

This showed that had the British Government been compelled to rely upon the press for information, on the real tone and aspect of affairs at Paris at that time, they would have been most grievously misled; but it so happened that their Minister on the spot was better informed than the newspaper correspondent, and he took care to advise his Government more truly in order that they might be prepared for the impending convulsion. It was said that the intelligence furnished by our diplomatic agents, was not so rapid as that received by other countries. This, however, he doubted; but of this he was certain, that the intelligence transmitted by our agents was more sure than that obtained by other States. Our diplomatic agents might not all be men of extraordinary sagacity, but they were all honest and faithful servants of the Crown, who did their duty well. Whatever might have led to the present war, certainly it was not owing to our diplomatic service. Sir Hamilton Seymour repeatedly warned our Government, both of the designs of Russia upon Turkey, and also of the large armaments she was collecting. Colonel Rose gave similar intimations; Lord Cowley kept our Cabinet perfectly informed of the intentions and wishes of the French Government; and Lord Stratford de Redcliffe urgently pressed on his Government the necessity of instant preparations for war, unless they desired to see Turkey handed over permanently to the predominant influence of Russia. Therefore, our diplomatic agents, instead of deserving blame, were entitled to the thanks of the country for their vigilant conduct. The position which they had to fill was neither easy nor lucrative, and the surrender of all the ties of home and of friendship which they were imperatively called upon to make, could only be compensated by the acquisition of honour and reputation. If, however, there was any case in which blame could fairly be imputed, be it that of an *Attaché* or a Minister, let it be fully sifted and investigated, and the blame justly distributed; but, surely, the whole service ought not to be disgusted and degraded in the eyes of Europe, by being indiscriminately aspersed and vilified. The noble Marquess concluded by moving for the Return.

THE EARL OF CLARENDON: My Lords, I do so entirely concur in everything that has fallen from my noble Friend in reference to the diplomatic servants of the Crown, and the manner in which they have performed their duties, that it would be an unnecessary waste of your Lordships' time were I to go over the same ground and use the same arguments as he has used to establish the same conclusion. I can say from my own knowledge—and from my knowledge of the opinions of my predecessors in office, I am quite sure that they will concur with me in so saying—that the British interests abroad are represented by the diplomatic servants of the Crown in a manner that does us very great credit; and that our international relations through the instrumentality of our foreign Ministers are maintained in a manner which is not only advantageous to this country, but which will be satisfactory to any one who has the means and the disposition to inquire into such matters, and who do not suppose, simply because the correspondence and proceedings with our foreign agents are not necessarily brought before the public, that therefore those international relations are not maintained in a proper manner. Whenever the necessity for the production of that correspondence and proceedings has arisen, I do not think it any exaggeration to say that the manner in which our foreign agents act upon their instructions, and act for themselves when they are unavoidably left without any instructions, is shown to be such as generally to fulfil the expectations and requirements of the country; and that the making known their proceedings to Parliament gives the best, because the most practical, refutation of those doubts and censures which have been, and are constantly made upon this particular branch of the public service. I quite concur with my noble Friend, that it is impossible that in a large body like the diplomatic body there should not be some men who possessed greater diligence and talents than others, and who have shown themselves more fit for particular posts than others; but I do say that, generally speaking, the interests of Great Britain abroad are represented fully as well, if not better, by our agents than by those of any other country; and that our interests are advanced and promoted not only with zeal and ability, but with that honourable and truthful straightforwardness of purpose which I hope will always be the leading feature of English policy, as it is of the English character. My noble Friend has not alluded to the consular service; but I should not be doing justice to a very large and deserving body of men if I did not testify to their merits and to the manner in which they perform their duties, which are often extremely arduous, and which always require great tact, great judgment, and extensive knowledge. I am sure that my predecessors in office will concur with what I say in reference to the consuls as well as in reference to the foreign Ministers, but I am perhaps in a more favourable position than any of my predecessors to speak of them, because in a state of war new duties have been imposed upon these bodies, which call for a greater amount of ability, tact, and knowledge, than is required by the duties of a time of peace. Your Lordships may judge of that when I say that the correspondence which has been received at the Foreign Office from abroad in 1853 amounted to 35,000 separate communications, and in 1854 to 48,000. I have always exercised my best abilities in reference to the business that passes through the Foreign Office; nothing is received there from abroad which does not obtain my attention, and nothing proceeds thence for which I do not consider myself responsible. Now, with reference to all that mass of correspondence, the instances in which it has been my agreeable duty to express satisfaction, and convey the approval of Her Majesty's Government, have been very frequent indeed; and the instances in which an opposite opinion has been expressed have been of extremely rare occurrence. As representing Her Majesty's Government, I think I cannot give a better proof of the satisfactory way in which our diplomatic and consular duties abroad have been performed than what that simple fact affords. As my noble Friend says, it would be invidious to allude to particular persons by name; but I agree with him that there is a great majority of our diplomatic servants abroad who are the right men in the right places; and that there are not any men that any Administrative Reform Association could give us, who would perform the function in a more satisfactory manner. My Lords, one of the great charges brought against the diplomatic service of this country is, that it is too aristocratic; now, that is a charge that is really somewhat vague, or at least which conveys no definite meaning. It is extremely difficult—and I rejoice that it is extremely difficult — to say what is aristocracy in this country, or where it begins, and where it ends. It would be absurd to say that the aristocracy is confined to your Lordships' House, to the bearers of titles, or to the branches of your Lordships' families, because there are names of which this country will ever be proud, and which will occur to every one of your Lordships—names of men of what is called humble origin, but who, by their talents and enterprise, have raised themselves to positions in which they are now fulfilling all the conditions of aristocracy, and who have more power and influence than the great majority of your Lordships. There are none of these men whose claims to have their sons attached to a foreign embassy would be disputed by any one; only they are far too wise to seek to place the members of their family in such a barren and unremunerative position. But, my Lords, there are some members of your Lordships' House who are occupying high posts in the diplomatic service. My noble Friend has instanced two, and I should like to know whether these two diplomatists could have their places filled by persons more capable than they of properly discharging the duties of their offices? Her Majesty's Minister in Spain had long been known in the profession before the Sovereign rewarded his father for his long services by giving him a title. Was his career in diplomacy to be cut short because he has inherited the title which his father had so honourably gained? The distinguished services of Her Majesty's ambassador at Constantinople, are too well known to your Lordships to require any comment; and nothing could be more true than what my noble Friend said in reference to Lord Cowley, who held a title which was conferred upon his father for long diplomatic services, and who had gone through all the different grades of diplomacy before he was selected by my noble Friend behind me to discharge the duties of an inferior mission to Frankfort, because he thought him the man most fit for the place. From that time to the present, his conduct has answered all the expectations formed of him, and has amply justified the opinion of those who selected him afterwards as the best person to represent the interests of England at Paris. Indeed, the whole course of Lord Cowley's conduct has fully justified the choice of my noble Friend, and it is in a great measure to his judgment, talent, and tact, that we are now indebted for the harmonious relations that exist between the two countries under somewhat difficult circumstances. There are also a few "honourables" in the service, and this is made a charge against it. I am at a loss to imagine why certain English gentlemen, upon whose education no care or expense has been spared, should not be permitted, in conjunction with others equally, but not more capable than themselves, to serve without salary until they become fit to be pampered upon a salary of 200*l.* a year. But, my Lords, there is now a cry for reducing those salaries, and for reducing the number of our diplomatic servants abroad, more particularly with reference to the missions to the German Courts. My Lords, I should at any time sincerely regret to destroy the hopes of men who have served for many years, and who look to those missions as the legitimate reward of their labours; but for public and political reasons I should regret to see those missions abolished, and more especially at the present moment, because such a proceeding would only tend to strengthen and confirm an unfortunate error that now prevails in Germany with respect to the indifference, not to say the hostile feeling, which is supposed to exist in England towards the Courts of Germany. Our endeavours should be to create confidence in the policy of the English Government and of the English people towards Germany; and I am sure that we are well entitled to that confidence. There is now a large proportion of the German prints that are actively engaged in representing the policy of England as hostile to the interests of Germany; and the result is, that a feeling of estrangement has grown up towards this country in the minds of the people of Germany which ought not to exist, and to which we should endeavour to put an end. We have no claim and no wish to interfere with the internal affairs of other countries, but we have a right, and we are justified in guarding ourselves against hostile misrepresentations. It is by constant interference and diplomatic agency that Russia has acquired that prodigious influence in Germany which really renders some of the German states more like outlying dependencies of the Russian empire than anything else, and has almost constituted the Emperor of Russia their Suzerain, instead of their being independent States. We cannot contend with Russia in the decorations and snuff-boxes which are scattered through Germany in such degraded profusion, but we can contend with her in everything where truth is concerned, and in everything which really affects the interests of the German people. We can show that people, by our acts, that our interests are identical—that we have no wish to see Germany weakened by disunion, or prevented from taking that part in European affairs which becomes them, and to which they are entitled by the intellect, enlightenment, and courage of the German people. We can show a hearty sympathy in all her progress, in art, in science, in education, and in liberal institutions to which the German mind is now directed; and I must say, my Lords, that if we were to abolish those four or five inferior German missions it would be to proclaim to all Germany that we do not think it worth while to retain her friendship or her alliance. Why, we should leave the field open and unopposed to our enemies throughout the Continent, and I am convinced that it would be an ungenerous and short-sighted policy, which, whether we are at peace or whether we are at war, would not be long in making us experience its bad effects. My Lords, I thank you for the attention with which you have listened to me. Of course, there can be no objection to the returns my noble Friend has moved for, and when they are ready I shall be able to answer any questions to which they may give rise. I hope then to be able to show that, so far as I am concerned, I have done all in my power, as my predecessors have done before me, to find the right men for the right places, independent of private influence and Parliamentary motives.

The Earl of Clarendon

EARL GRANVILLE: My Lords, shall be very brief in the remarks I am going to make on the present occasion, as they will all be of an entirely personal character. In another place, which it would not be right of me to mention, there was made what may have appeared to be a personal attack on myself, which I was glad to learn was not intentionally made—by a Gentleman from whom I had the advantage of receiving some useful assistance when I was Secretary of State for Foreign Affairs. The hon. Gentleman to whom I refer made an attack on the diplomatic and consular service, and stated that he was able to speak of the state of the diplomatic service, for he had himself been in the diplomatic service, and also in the Foreign Office during my administration. One great charge which was made was this—that promotions in the diplomatic service were owing to favouritism; and the obvious inference to be drawn from this —as the hon. Member spoke of his experience having been gained while under me in the Foreign Office—was, that the promotions made by me were made on account of favouritism. I am, however, happy to state that the hon. Member says that it was not his intention to make such a charge against me, for he had no objection to the appointments made by me, as they were excellent. One appointment which I made, and which has been invidiously mentioned in the other House, was that of the son of the noble Marquess—Hubert de Burgh; but I do not think it necessary to apologise either to the country or your Lordships for giving an appointment to the grandson of Mr. Canning. The other appointment which I made was sanctioned by my colleagues, but suggested by me—I allude to Lord Cowley's appointment. I had no political motives in appointing the noble Lord, for he declined giving his proxy to the Government. My acquaintance with him was very short; but I knew the liberal opinions which he held with regard to foreign affairs, and judging from his despatches of his good sense and judgment, I considered him the best man for the appointment. The noble Earl has referred to the title of Lord Cowley, and it appeared to me that it was an advantage that the noble Lord had a title, which was not only gained by diplomatic services, but which was associated in the minds of the majority of Parisians with a character of unblemished honour and great straightforwardness. Then there was another appointment I made of great importance—that of our Minister to the United States. I was not actuated in this by any political or class feeling when I gave this appointment to the son of an eminent surgeon; but by the opinion I had formed of him from his despatches—by the recommendation of my noble Friend, who did not ask for the appointment as a favour, but recommended the gentleman I allude to as the fittest man for the place. I may mention, before I conclude, that, with regard to the question of administrative reform, we are a little in advance of my Friend Mr. Layard. Some time ago when I found it necessary to communicate with Lord Burlington, who is at the head of the London University, with respect to the educational test to be required of candidates, my opinion on this subject was somewhat, though only slightly, shaken by Mr. Layard, who then objected to any educational test whatsoever. Since last year a plan has been proposed for throwing open the appointments to the civil service to open competition—this plan was proposed by the Gentlemen connected with the Treasury, and sanctioned by the late Chancellor of the Exchequer. This plan, whatever its other defects may be, has the advantage of cutting off all hopes of appointments through favouritism; and I believe that those who have spoken in favour of this are only the noble Duke near me, myself, and the noble Lord who but lately joined the Government. I am glad, however, to see that Mr. Layard has taken up this question, with respect to which we are, as in the rest, a little in advance of him.

THE EARL OF MALMESBURY said, that from his experience he could confirm that his noble Friends were fully justified in every word of eulogy they had expressed with reference to those who were engaged in our diplomatic service throughout the world. Mr. Layard was a living proof that the statesmen of the present day, so far as the patronage of the Foreign Office was concerned, did not neglect merit. When Lord Derby came into power, Mr. Layard was about to quit office along with the noble Earl opposite; but the first instructions which he (the Earl of Malmesbury) received from Lord Derby were to invite that Gentleman to remain at his post until some other arrangements were made, coupling that invitation with an assurance that he should then be promoted in the diplomatic profession, to which he had formerly belonged. Therefore, Mr. Layard should be the last man in the world to say that "the right man" was not put in "the right place," so far as the Foreign Office was concerned. During the time that he (the Earl of Malmesbury) held the seals of the Foreign Department he had given some attention to the important subject of education, and a plan of examination for candidates of the diplomatic service had been drawn up in the Foreign Office; but he felt perfectly convinced that, whatever system of examination might be adopted, the Secretary of State ought to be the only person to judge whom he would employ in this or that post. It was impossible for any man to undertake a position of such enormous responsibility without having the power to appoint under him those men whom he thought best qualified for the service. Nothing could be more disheartening to the head of a great department than to have Commissioners appointing his servants independently of him, and yet to be held responsible to Parliament for failure in carrying out his plans, when the instruments appointed to execute them were men not chosen by himself.

THE EARL OF HARDWICKE said, that nothing had struck him more forcibly, in reference to the diplomatic service, than the circumstance that, though it was called a profession, yet it was not regarded as a profession. It very frequently occurred that men of rank were taken from the military and naval services, from the ordinary civil service, and, in fact, from no service at all, to be sent on important missions, being thus put into the places that ought to be the legitimate prizes, as they were the legitimate objects, of ambition to the members of the profession properly so called. As a professional man that struck him as being very hard to the members of the diplomatic service. No doubt it was necessary that the Government should have this power, as they might not be able on an occasion to find just the man they wanted for a particular post in the ranks of the diplomatic service. The noble Lords who had preceded him seemed to think that the diplomatic service was entirely free from all party bias; but, in truth, the whole system of our Government was one party. He did not complain of this, for it was natural that the great parties by whom the country was governed should desire to choose their own servants, but he maintained that the profession ought to be kept free from all such considerations. He did not know what might be the case with regard to other professions, but Governments of late years had certainly taken upon themselves to select men by favouritism in the profession to which he belonged—the navy.

Motion *agreed to.*

Then the EARL OF HARDWICKE *moved*—

> "That there be laid before this House, Copy of a Memorial from the Melbourne Chamber of Commerce, urging on the Postmaster General the Importance of immediately re-establishing Postal Steam Communication with Australia."

Motion *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, July 10, 1855.

NUISANCES REMOVAL AMENDMENT BILL.

Order for Committee read.

House in Committee.

Clauses 16 to 23 *agreed to.*

On Clause 24, which imposes a penalty of 200*l.* on any person wilfully causing any washing or other substance produced in making or supplying gas to flow into any stream or place for water, whereby the water should be fouled.

MR. ADDERLEY did not suppose that the Committee desired to establish any difference between one description of poison and another; but, as the clause now stood, it applied only to injury being done to the water by gas washings. There were, however, other poisonous discharges into open streams, to which he thought this clause ought to be made equally applicable, and he would suggest the insertion of words which would make the clause applicable to any poisonous washing or discharge.

MR. CHEETHAM said, that he would oppose any such clause whenever it was proposed. Who was to say what was or was not poisonous? Such a clause would put a stop to all the manufactories of the country.

SIR G. GREY observed, that if the word "poisonous" were inserted, without determining what description of poisonous substance was meant, it would lead to much confusion.

MR. HENLEY considered this to be the most important question involved in the whole Bill. They were now beginning to deal with the pecuniary interests of men in trade. The great question they had to decide was, whether they were to suffer the running streams of the country to be turned into a nuisance like the river Thames, which river was declared on all hands to have been made a nuisance by being the receptacle of the sewage of this metropolis. The House had been for the last three weeks engaged in enacting a measure by which it was hoped this great stream, the Thames, would no longer be suffered to exist as a public nuisance, and he most sincerely hoped they might be able to get rid of the evil before one-half of the metropolitan population were swept away by disease. The question was, whether some general provision might not be made which should apply equally to all towns having streams running through them, whereby those streams should be preserved from pollutions such as the river Thames was notoriously subjected to. He was, however, of opinion that such an object would be better provided for by a separate clause, than by introducing any Amendment in the clause before the Committee, which was intended for a special object.

SIR B. HALL promised to give his attention to the suggestion of the right hon. Gentleman.

LORD R. GROSVENOR entreated his hon. Friend (Mr. Adderley) not to cease in his efforts to accomplish the object he sought to attain. The health of the people required it, and he saw no reason why there should be any more difficulty in persons engaged in other pursuits complying with the conditions required, than there was on the part of the gas companies.

MR. ADDERLEY said, he would not now press his Amendment; but he should certainly persevere in his endeavour to get a clause inserted to compel towns to use every practicable means to preserve from pollution the streams which they now converted into sewers.

Clause *agreed to:* Mr. ADDERLEY to propose a new Clause.

On Clause 28, which provides for the abatement of nuisances arising in the case of trades, businesses, processes, or manufactures.

MR. DILLWYN moved that the following proviso be added to the clause:—"Provided also, that nothing herein contained shall be interpreted to extend to the smelting of metals." He could understand why candle-houses, melting places, slaughter-houses, and such like places might be fatal to health; but it was well known that the smelting of metals was not injurious to health. The volatile gases given out in those works were perfectly innoxious. He could bear witness to that, having lived in the vicinity of copper works all his life. The gases arising from them were antiseptic, and antagonistic to those gases which were injurious to health.

MR. DAVIES supported the proviso.

SIR B. HALL would appeal to the hon. Member whether the proviso could be at all operative? If the smelting works were a nuisance, they ought to be subjected to the same law as was applied to other nuisances; but if they were not a nuisance, then the hon. Gentleman could have nothing to complain of. He thought it would be much better not to make any exception, but allow the clause to apply to all trades.

MR. HENLEY concurred in the opinion of the right hon. Gentleman, that no exception should be made. If persons were improperly convicted, they would have a right of appeal.

VISCOUNT EBRINGTON objected to the clause altogether, on the ground that it would deprive of the means of subsistence large populations crowded around many of the most important manufactures of the country.

House resumed.

Committee report progress; to sit again on *Thursday*.

ARTILLERY MILITIA.

CAPTAIN ESMONDE said, he put a question yesterday to the Under-Secretary for War which was not satisfactorily answered. His object was to ascertain if artillery militia regiments were liable to be moved in the same manner as other militia regiments, and also if it were competent for such regiments to volunteer for foreign service upon the same conditions as ordinary militia regiments?

MR. F. PEEL had stated yesterday that the purpose for which a portion of the militia of this country and of Ireland had been allowed to form themselves into artillery corps was to furnish the Government with the means of occupying garrison towns, and taking charge of defences on the sea-coast. As it was intended to adhere to that arrangement, it would be useless to send those regiments to camps which were formed for instruction in field movements. There was no intention to exchange artillery regiments between this country and Ireland, nor was there any general plan with regard to employing them in any particular spot. It would, of course, be competent for those regiments to volunteer for foreign service.

THE TURKISH LOAN.

MR. J. L. RICARDO: Some time since I ventured to put a question to the noble Lord at the head of the Government with respect to the rumoured guarantee of a loan to the Turkish Government. At that time the noble Lord gave me an answer which, although it did not deceive me, conveyed an impression which I think was erroneous. As a *projet de loi* has been presented to the French Chamber, perhaps the noble Lord will be good enough now to answer—first, whether the Government is about to guarantee a loan to the Sultan? And, secondly, when and in what form the noble Lord will bring that question before the House of Commons?

VISCOUNT PALMERSTON: At the time I was asked the question by the hon. Gentleman I was not in a position to give any other answer than the one I gave. Since that period a treaty has been agreed to between France and England on the one hand, and the Sultan on the other, by which the Governments of France and England make certain engagements with regard to the loan of 5,000,000*l.* which the Sultan is about to raise. On the part of this country, Her Majesty engages to recommend to Parliament to guarantee one half that loan—the other half to be guaranteed by France. It will be a joint guarantee of England and France, and, of course, half the obligation will apply to one, and half to the other nation. The treaty is not yet actually signed; but as soon as the ratifications have been exchanged it will be laid before Parliament, and application will be made to enable Her Majesty to fulfil the provisional engagement into which She has entered.

SIR DE LACY EVANS: I beg to ask whether any provision will be contained in the Bill with regard to the employment of the proceeds of the loan for military purposes?

VISCOUNT PALMERSTON: An arrangement will be made between the Governments to take care that the receipts of the loan shall be applied to military purposes, for which the loan is to be raised.

ADMINISTRATIVE REFORM.

MR. VINCENT SCULLY rose to move—

"That an humble Address be presented to Her Majesty, thanking Her Majesty for her most gracious Order in Council of the 21st day of May last, by which certain persons were directed to examine into and certify the qualifications of all young men proposed to be appointed to junior situations in any department of the Civil Service; and praying that Her Majesty will be graciously pleased to direct the examination to be an open one, and held in public, and that the Examiners do have regard to superior qualifications and merit; and praying also, that a similar Order in Council be issued as to the Diplomatic and Consular Services, with the view to secure greater efficiency in those departments of the Public Service."

In his notice of the Motion he had also included the diplomatic and consular services; but in order to simplify the matter, he should reserve those departments for the present. The two points to which he should confine his remarks were, first, that the examinations for the civil service under the Order of 21st May, should be open to all comers; and next, that those examinations should be conducted in the only manner that could be satisfactory—publicly, in open court, and not in private offices or apartments. Should the House assent to his proposition it would be a great step towards administrative reform, and would carry out practically the abstract resolution of the hon. Baronet the Member for Hertfordshire (Sir E. B. Lytton). The subject was one which had greatly interested him for a long time, and he had on previous occasions given notice of Motions similar in character to that which he now proposed. Speaking for himself, he must say that the present system of nomination to appointments in the Civil Service was most objectionable, and he had no doubt that all other Members of Parliament had arrived at the same conclusion. He said sincerely that, although he believed no Member of that House had been more assiduous than he had been in his endeavours to promote, in an independent form, the legitimate claims of his constituents, the whole amount of patronage hitherto conferred at his instance was not of greater value than a clerk's salary to conduct his patronage correspondence. Altogether five persons had been nominated upon his recommendation, of whom four had been rejected and one appointed. In one case a candidate for the situation of a revenue officer had been most improperly rejected on the sole ground that he did not fully answer the description of "a gentleman," being an active partner in a large shop, though fully qualified in other respects. In another case the disappointed candidate attributed his rejection to the circumstance of having been educated at a Jesuit school; but whether that impression was correct or not, it showed the necessity for public examination. A third was rejected because he was unable to produce his baptismal certificate to prove that he was over 19 years of age; and the fourth instance was that of a young gentleman who was rejected on account of imperfect education, with which result the candidate and his relatives would have been dissatisfied, had not he (Mr. Scully) been permitted to inspect the examination papers, when he found that the rejection was quite justifiable. He contended that a public examination would remove any of those false impressions which were now propagated by disappointed candidates, and would benefit the public service by securing the persons most fitted for appointments. The other proposition he made was, that the examination should be open for all comers who chose to compete. He did not render it indispensable that the best answerers should always be the persons chosen, because regard must be had to some preliminary conditions—such as age, character, and business habits. If, after passing the competitive examination and obtaining the appointment, the civil servant gave no further proof of capacity, he would, of course, remain stationary in his profession. Were the principle of appointing civil servants in consequence of their ability once recognised, it would be a step in the right direction, and would lead on to further reforms. There was no practical difficulty in having these examinations open, for they were already carried on upon that plan in reference to appointments in the Indian civil service. That the system he deprecated was necessary for the Government, the Members of that House, or the public, he totally denied. So far as the Government was concerned, it led to ill-will between it and hon. Members, who were pressed by their constituents to solicit appointments which the Government could not grant; and whilst the Member got offended with the Government, the disappointed constituents got offended with the Member; and it would be better, therefore, both for the Members and the Government, that the system should be abolished. Then, with respect to the public, the effect of the present system was, that a number of incompetent persons were appointed to fill the various junior appointments, instead of efficient parties. That must operate to the public injury; and induce the constituent to vote with the improper motive of afterwards endeavouring to obtain a Government appointment either for his son, or for some of his friends or relatives. The effect of such a system upon the morals of the constituents was extremely bad. There was not a post which did not bring him numerous letters from disappointed persons, who had been hanging on, wasting their time and energy in the hope of obtaining a Government appointment; and he had told a young gentleman that very day, that if he had a ten pound note to spare it would be far better to go at once and invest it in a German lottery, than to spend it in idling about in the expectation of getting a Government situation; for he would lose his time and patience, and perhaps die of a broken heart in the end. To show the kind of letters he received, the hon. Member read one in which the writer assured him that he would not have annoyed him as he had done if he had thought there was so much difficulty in procuring an appointment to a public situation; but that he had seen men of no education, of low and vulgar habits, such as servants and others, appointed, and being conscious, as he was, that he was in every way superior to them, he felt himself justified in endeavouring, with the aid of his friends, to release himself from a dependent position. That was only a specimen of the many letters he had received, and he had selected it, because it happened to have come to hand that very day. These observations were applicable to England as well as to Ireland, for the Rev. Richard Dawes, Dean of Hereford, in his remarks on the civil service, had observed that—

> "The extent to which the expectation of getting some place under Government for a son or a relative, no matter how unfit, influences many voters, is absolutely ridiculous, and gives rise to a want of principle in the exercise of the franchise for which some remedy ought to be found.
>
> "As an instance of this absurdity, a clergyman gave me the following a short time ago:—'A farmer, one of his parishioners, told him he had a son who was very sickly, and not at all fit for a farmer, but he thought he would do very well for a place under Government, and asked his advice how to proceed in trying to get him one. He told him the usual way was, to apply to the Members for whom he had voted, whenever their party happened to be in power. To this the farmer, guided by shrewdness, the result of observation, replied he had always thought so, and that at the last election he had split his votes, and gave one on each side, in order to be sure, whichever party was in power.'"

Dean Dawes gave numerous instances of a similar character, and stated that hundreds of appointments were made upon no other principle than that of being given to the relatives of butlers, grooms, gamekeepers, and other dependents of those who had the power of nomination. Among other instances he narrates that—

> "Some years ago a friend of mine, then a Member of the House of Commons, told me he wished to send a boy, the son of his gamekeeper, to a school in the neighbourhood, in order to qualify him for a place in some Government office. Finding the youth was not sent, I asked him the reason, to which he answered, 'Oh, the boy happened, very fortunately, to carry the game-bag for Lord So-and-So, when he came down on a shooting party,' and having told him of my wishes for him, he said, 'Send him at once, and I will give him a place. I suppose he can write tolerably well, and will soon learn the rest.' My friend added, 'He thought the boy would have been better for a little more schooling,' but so good an opportunity was not to be lost."

He (Mr. Scully) had never tried to obtain situations for persons of that class, but he had for thoroughly competent persons; and he knew that it was a complete waste of time for an independent Member of Parliament to endeavour to influence patronage of a valuable nature. This class of patronage practically belonged to Government officials and heads of departments—they kept it as their pocket-money, and were not generally willing to surrender it to independent Members. He was by no means opposed to the Order in Council of the 21st of May. He understood that it had been in contemplation some time, and that the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had long since expressed himself in favour of the abolition of all patronage by the system of nomination. He believed that right hon. Gentleman was the real author of the passage in the Speech from the Throne, delivered on the 31st of January, 1854, where, speaking of the civil service, Her Majesty said:—

> "I have directed a plan to be laid before you, which shall have for its object to improve the system of admission, and complete the efficiency of the service."

The order in Council did improve the system of admission, but it did not complete the efficiency of the service; because it expressly directed the examiners not to make any alterations with respect to the nomination of candidates by those who might be charged with the duty of nomination. Under that system a secret examination might be held, which might be used for the purpose of improperly rejecting candidates who would otherwise be considered qualified. It was stated in the recent Report of the Civil Service Commissioners that an Act of Parliament would be necessary to effect the proposed reform. He apprehended that that was a mistake, and in this view he was supported by the high authority of Sir James Stephen. He believed that it was within the Queen's prerogative to carry out administrative reform to the very fullest extent in every department, and for that reason he had put his Motion in the form of an Address to the Crown. The hon. and learned Gentleman concluded by moving the Resolution.

VISCOUNT GODERICH said, on seconding the Motion, that he was extremely glad that the question had been again raised, because he thought that the result which had attended the Motion of his hon. Friend the Member for Aylesbury, and the Amendment that was moved to it by the hon. Member for Hertfordshire (Sir E. B. Lytton), could have been but little satisfactory to any one who was interested in the subject. He had ventured to say, in the course of the former debate, that the Amendment of the hon. Baronet the Member for Hertfordshire was vague in its terms, and was not calculated to bind the House to any specific course of action. He would not say whether he was right or wrong in the view which he then took, but he was sure that the fate of that Amendment must have convinced everybody that it was not intended to be binding either upon the Government or the House, for it was finally passed at Two o'clock in the morning, and, as he was told by the ordinary channels of information, "amid loud laughter," and under these circumstances he thought the hon. and learned Gentleman (Mr. V. Scully) was justified in moving his present Resolution. He quite agreed with the hon. and learned Gentleman in what he had said with regard to the Order in Council of the 21st of May last. It was a step in the right direction; but, in order to be of any effect, it must be followed by other measures. Indeed, if it were not followed up, it might be productive of mischief rather than of good, because, while it continued the nomination system, it relieved those who exercised it from a portion of the responsibility which now rested upon them. With regard to the promotion of civil servants after their first appointment, that must, of course, be subject to the responsibility of the heads of the departments in which they were employed, but no such consideration was involved in the first appointment. It appeared to him that, under the present state of things, no better means could be devised for making appointments to the public service than the plan contained in the Resolution of the hon. and learned Gentleman. In a former debate upon the subject objection had been taken to abolishing the present system of patronage, upon the ground that to do so would be to interfere with the stability of the free institutions of the country. He had upon that occasion dissented from that opinion, and he had heard nothing to induce him to apprehend that, if a change such as that proposed by the Resolution of the hon. and learned Gentleman were agreed to, any such consequence would ensue. One objection, and to his mind the most serious objection, to the system of open competition was, that no examination to which a candidate might be subjected would be a fair test as to whether he possessed the moral qualities necessary to discharge the duties of the public service; but, whatever force there might be in that argument, he did not believe that the right hon. Gentleman the Member for Wells (Mr. Hayter) could be intimately acquainted with the moral qualities of those Gentlemen whom, under the present system, he appointed to office. Although, perhaps, it was true that the successful passing of an examination was no guarantee that a person possessed the moral qualities necessary to fulfil the duties of a public office, still it afforded a reasonable presumption that the person who so passed did possess them. He would remind the House that the principle contained in the Resolution of the hon. and learned Gentleman had already, in one instance, been sanctioned by the Government—he referred to the case of the civil service of India; and the right hon. Gentleman the late President of the Board of Control (Sir C. Wood) had prophesied that the adoption of such a system would give to India a public service such as the world had never seen. What he now wanted was, that by the introduction of a similar system this country might enjoy the benefit of a public service such as the world had never seen. If the Government intended to oppose the Motion of the hon. and learned Gentleman, he hoped that the right hon. Gentleman would rise in his place and would explain to the House why it was desirable to introduce such a system in India and not in this country. He had heard it said that the nature of our institutions and the necessity of keeping hon. Members in good humour precluded the introduction of such a system into this country; but, as far as keeping Members in good humour went, he could only say that though he himself had not been much troubled by his constituents, he had heard many hon. Gentlemen complain of being put to great inconvenience by the present system. With regard to persons who were desirous of entering the public service, he believed that, with the exception of those who knew themselves to be unable to undergo the ordeal of an examination, they would prefer being admitted to the service in a manner which would afford the presumption that they were fitted to perform their duty. The scheme proposed by the hon. and learned Gentleman was ridiculed by some on the ground that it would compel clerks in the Custom House, and persons holding similar situations, to a literary examination, and that one species of examination was to be instituted alike for weighers and lockers in the Customs, and for candidates for different and higher offices. But it was not true that all these persons were to be subjected to the same examination. What he wanted was to get rid of the system of nomination—a system injurious to the public service and which introduced into it persons unfitted to perform the duties of the office to which they might be nominated—and, he could not see that abolishing such a system could possibly lead to the disastrous results prophesied by some. He thought that the hon. and learned Gentleman had acted wisely in confining his Resolution to the civil branch of the service, and he hoped that the present Motion would extract from the Government something more definite than had been obtained from them in the recent discussion upon this subject. If the present Resolution were agreed to, it would not, of course, give to the country competent Ministers and wise counsels, but it would improve one important branch of the public service, and would establish a principle which must extend to the benefit of all other branches.

Motion made and Question proposed—

"That an humble Address be presented to Her Majesty, thanking Her Majesty for Her most gracious Order in Council of the 21st day of May last, by which certain persons were directed to examine into and certify the qualifications of all young men proposed to be appointed to junior situations in any department of the Civil Service; and praying that Her Majesty will be graciously pleased to direct the examination to be an open one, and held in public, and that the Examiners do have regard to superior qualifications and merit; and praying also, that a similar Order in Council be issued as to the Diplomatic and Consular Services, with the view to secure greater efficiency in those departments of the Public Service."

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. and learned Gentleman who has brought this subject under the consideration of the House has recommended it to their attention by stating that it is a measure for the furtherance of administrative reform. Sir, Her Majesty's Government are as desirous of promoting administrative reform as either the hon. Member himself or any other Gentleman in this House. The question, however, which we now have to consider is, what is administrative reform? Is the measure which the hon. Gentleman has proposed a measure in furtherance of administrative reform? Now, Sir, under the term "administrative reform" I conceive two classes of measures. One class consists in an examination of all the existing departments with respect to the classification of their subjects, the distribution of their labour, and the number of persons employed—their duties, their qualifications, and their efficiency. In a former discussion I had the honour of stating to the House that a series of investigations had been instituted by a succession of Governments—by the Government of my noble Friend the Secretary of State (Lord John Russell), by the Government of Lord Derby, and by subsequent Governments—into the different departments of the State; that these investigations were conducted by competent inquirers; that reports were made in consequence of those investigations; and that all the practical recommendations of those reports have subsequently been carried into effect. The best proof which either the present Government or previous Governments could give of their zeal in the cause of administrative reform was by instituting detailed inquiries into the different departments, and by adopting all the practical recommendations that were made for their improvement. Now, I challenge any hon. Member in this House to show that exertions, and well sustained exertions, have not been made by successive Governments for ascertaining defects in the different departments of the State, and for removing those defects and increasing their efficiency. Without, however, dwelling upon that class of administrative reforms, I would now proceed to that other class of measures to which the hon. and learned Member has adverted in his speech—namely, those which have in view the improvement of the general character of the civil service. I need not again travel over the ground which was so clearly explained to the House in the historical account of my right hon. Friend the Member for the University of Oxford (Mr. Gladstone), on a former occasion. He explained the steps which were taken for improving the general character of the civil service, which steps resulted in the issue of the Order in Council of May last. That Order in Council was intended to improve the existing state of the civil service, subject to the general conditions by which it is now constituted. At present there are separate examinations in the great majority of the departments; but they are examinations conducted under the authority of the heads of those departments, and they are not conducted according to any uniform and consistent plan. The object of the Order in Council which is now before the House, was to place all those examinations under one Board, who should introduce system and regularity into them, and who should be at the same time independent of all influences connected with the several departments. That was a system founded on the existing conditions of the civil service, and it was intended to establish a sufficiently high standard of qualifications for all new candidates for admission into the civil service, subject, however, to existing rules with respect to nomination and appointment. The Commissioners have been appointed; they have already entered upon their duties; and even the hon. and learned Member who introduced this measure, admits that it is a step in the right direction, and that, to a certain extent, it fulfils the views which he has formed with respect to administrative reform. But he says that it is an unsatisfactory and an insufficient measure; that, though going to a certain extent in the right direction, it stops short of the goal which he thinks should be attained; that it does not make a sufficient advance in the way of reform; and that it is incumbent upon the House, by an address to the Crown, to call upon the Crown to set in motion its prerogative for the purpose, as I understand, of repealing the existing order and substituting another order founded upon different principles. Those principles are set forth in the address moved by the hon. and learned Gentleman; and the three points in which the system which he recommends, differs from that which is now introduced are, that he proposes that the examinations should be public—that they should be conducted in rooms to which the public at large should be admitted—and he further proposes that any person should be allowed to offer himself as a candidate for examination without, as I understand him, being subject to any qualification whatever. [Mr. V. Scully: No, no!] I do not understand the hon. and learned Member to suggest that there should be any qualification; but admission into the civil service, according to his plan, would be conducted like the election of a Member of Parliament—supposing all qualifications abolished—like, as I am reminded, the election of a Scotch Member.

Mr. V. SCULLY: So far from proposing that there should be no qualification, my object is, that the person who has the best qualification should be selected.

The CHANCELLOR of the EXCHEQUER: Yes, I understood the hon. Gentleman quite correctly. What I meant to say was that, according to his plan, it would be permitted to any person, without any qualification whatever, to propose himself as a candidate. His qualifications would be subsequently ascertained by a process of examination; but there would be no preliminary qualification required to enable a man to constitute himself a candidate. Well, that, therefore, would be the second principle which the hon. Gentleman proposes. First, he says, there should be entire publicity in examinations; any person should be permitted to become a candidate for admission into the civil service; and, last of all, the object of the examination should be, not to ascertain whether a candidate comes up to a certain standard—whether he possesses certain prescribed qualifications—but to ascertain which is the best out of a given number of persons—that is to say, that the examination should be strictly competitive—that it should be, as it were, a race between a number of competing candidates. That is the system which the hon. and learned Member embodies in his Resolution, and which he now calls on the House to address the Crown by its prerogative to introduce in abrogation of the Order in Council lately issued. The necessary effect of the adoption of the plan of the hon. and learned Member would be, that all these civil servants, many thousands in number, being servants of the Crown—that is to say, acting in various departments under the control of persons holding their offices from the Crown—would be appointed without any reference to the power of the Crown, and without any reference to persons appointed by the Crown, but by their own proposal of themselves as candidates, and by the choice of a body of examiners. These examiners, I presume, would be appointed in the ordinary manner by the Crown; but the Act which would constitute any candidate a Member of the civil service would be a certificate of a Board of Examiners, which certificate, as I collect from the Motion of the hon. Gentleman, it would be incumbent on the Crown, or the representative of the Crown, to recognise as the title of admission to the civil service, and there would be no veto on the part of the Crown upon the appointment of any person who had received his certificate from the Board of Examiners. I have troubled the House with these explanations, in order that we might be certain that we fully understand the proposition of the hon. and learned Member. I will now, with the permission of the House, examine the different points of his proposal. In the first place, there is the question of publicity. Now, the examinations, as conducted at present, are principally—I believe exclusively—in writing. Certain questions are proposed to the candidates to answer. Those questions are in writing. The candidates have papers given them to copy, and questions to answer in writing, by which their proficiency in writing and arithmetic are judged of, and, as I am informed, no part of the examination is conducted by oral questions and answers. That being the case, I need scarcely remark that the admission of the public would be wholly nugatory, and that there would be no advantage in admitting the public and in allowing them to see a number of gentlemen sitting round a table answering questions in writing. I presume, therefore, that the hon. Gentleman wishes the mode of examination to be altered and oral examination to be substituted. Now, I am not sufficiently acquainted with the details to be able to offer any opinion as to the advantages of oral as compared with written examinations, but I have no reason to suppose that the present system, which has now been followed for several years in all the different departments, has been the result of accident—on the contrary, I believe it has been the result of experience proceeding tentatively—that it has been found the most convenient and efficient mode of conducting these examinations—and therefore I doubt exceedingly whether the hon. Gentleman, for the purpose of attaining what he calls publicity of examination, would confer any benefit upon the public service by substituting oral for written examinations. The hon. and learned Member has stated, that in all the University examinations the public are admitted, and that, therefore, the opportunity is afforded of judging as to the manner in which these examinations are conducted. Now, I speak under the hon. Gentleman's correction, but my experience leads me to believe that a very large number of University examinations are not conducted orally, but are conducted exclusively in writing. I believe, that at Cambridge, all the University examinations are conducted by written questions and written answers; and therefore I really do not know whether the public or Members of the University not concerned in the examinations are admitted. If they are, I conceive that their presence must be wholly unimportant. I can only say that examinations for scholarships at Oxford are entirely in writing, and that no members of the University are allowed to be present; and I am at a loss to know what advantage would result from publicity or that the smallest inconvenience arises from the exclusion of the public. I think, in fact, that the public, if admitted, would be an annoyance to the persons engaged in writing answers, that the attention of those persons would be distracted, and that they would themselves be the first to complain. They would say they had had no fair chance, that they had been disturbed by the admission of strangers; and I really conceive that, with reference to the interests of the candidates themselves, as well as to those of the public, the principle of publicity is altogether objectionable. But the publicity of examinations is perhaps, after all, not a very important part of the hon.

and learned Member's case. The really important part of the hon. Gentleman's motion is, that he proposes permission to all persons to offer themselves as candidates, and to make the examination a competitive examination. The first objection that occurs to everybody who considers his proposition must be, that if we adopt the principle of a competitive examination, and if we impose upon the examiners the duty, and confer upon them the power, of selecting the persons they consider the best—that is to say the fittest—for the offices that are vacant, you will entirely get rid of the principle of personal responsibility in the choice of persons for the civil service. At present every person who is appointed to a public office, whether it be a high office or a junior clerkship, or the office of tidewaiter, is appointed on the responsibility of some person—either on the responsibility of the head of the department, or on that of the Board of Treasury. In that way, if an improper appointment is made, we can fix the responsibility on some definite Member of the Government for that improper appointment, and we can call him to account. But suppose that, under the system which the hon. and learned Gentleman recommends, an improper appointment is made—and he will not go the length of saying that his system of competitive examination will work with infallible regularity, for the Board of Examiners may err in selecting a person for the public service—who is responsible for this improper appointment? The examiners may say that they proposed certain written questions in English literature, history, and the other subjects of examination, to all the candidates; that they read their answers without knowing their names, as is the practice at examinations, and that then, affixing marks to those who answered the questions in the best way, they added up the numbers, and made their decision in favour of those who had the greatest number of marks. This plan excludes favour and affection, and the examiners may say that they gave the certificates to those candidates, and recommended them for appointments. But by this system, as I have already said, all personal responsibility is lost. That is one great objection to the hon. Member's plan. Another is that, although you can by such an examination as the hon. Member contemplates estimate the intellectual acquirements of the candidate to a certain extent, yet there are no means of gauging his moral qualities. What you want in a public office is not, generally speaking, a man of ambitious, eager disposition, seeking to advance himself rapidly in the world, but a trustworthy person, who will industriously and attentively perform the duties assigned to him by his superiors in office. But how will you ascertain these qualities by a merely literary examination? What will be the class of persons who, in the great majority of cases, will succeed under the system proposed by the hon. Gentleman? It will be found that schoolmasters, ushers, and persons employed in the practical business of education will be the most successful candidates. They are more apt in arithmetical questions, and will be able to give the best replies to such ordinary problems as are proposed to candidates at similar examinations. They are the most experienced in the process of examination; they will come to the trial with the advantage of experience; and we must expect to see that persons of that class will be, to a great extent, successful, without reference to their moral character or their previous conduct. I hope I shall not be understood as casting any reflection upon the respectable and useful class of the community to which I have referred, whose employment I honour as much as any man; but I wish to suggest, for the consideration of the House, whether, by establishing a general system of competitive examination for the introduction of candidates to the civil service, it will be advisable to give an advantage to that class beyond other classes of the community? My noble Friend who seconded this Motion, remarked that the civil service was divided into two classes—one the superior clerks of the superior offices, who must be men of intelligence; and also the much more numerous class of civil servants in the revenue and other departments, whose employment will scarcely bear the name of intellectual. I do not know whether the House will think that a great advantage can arise from a competitive examination for boatmen of the coast-guard, tide-waiters, weighers at the Customs, Post-office messengers, and messengers for the public departments. The House is aware of the class from which they are taken, and the duties they have to perform; and can any assignable benefit be pointed out, either direct or indirect, as likely to arise to the public service by making the appointments of such officers depend upon a literary competition? No doubt it is most desirable to have a standard examination for the officers of every class, including the lowest, in order that they may rise above a certain level, and possess those qualifications which may fit them for their respective situations. But I will ask the hon. and learned Member what benefit can arise from a competitive examination in the nature of a prize to be bestowed upon the literary qualifications of persons of the description I have alluded to? If the competitive examination is not to take place in the case of tide-waiters, can it apply to the higher class of appointments? The House will not shrink from approaching this part of the subject, which the hon. Gentleman has avoided. If you make the appointment of every clerk who holds a humble situation in a public office depend upon a competitive examination, can you stop with him, and not apply the same principle of competition to persons holding the higher and more important situations? Will he undertake to appoint permanent Under-Secretaries of State, or a permanent Secretary of the Treasury, or a permanent Secretary of the Admiralty, by literary competitive examinations? Will he undertake to appoint judges of County Courts or Commissioners of Bankruptcy by competitive examination? To rise higher, will he undertake to appoint Judges of the superior courts by competitive examination of all barristers? If this principle is so good, if it is to work with perfect mechanical regularity for clerks in public offices—who, allow me to say, often exercise difficult and responsible functions in obscurity—is it not impossible to say that the principle cannot be carried further? If it cannot be said in reason and common sense that the principle cannot be carried further, you cannot stop at the point at which the hon. Member thinks it necessary; and then I want to know if there is any Member of this House who will get up and say he is willing to trust all the great permanent appointments of this country, the Judges, and appointments of that description, to competitive literary examination? If the hon. Member obtain the assent of the House to an address to the Crown, by which he asks the Crown to make an alteration in the appointment of the civil servants which the Order in Council does not make, it is utterly impossible that he can stop at the point at which he has now fixed it, and not carry it to the whole permanent civil service of the country. In examining this principle of competitive examination for civil servants, it is natural that we should look to the general experience of mankind. There is a certain presumption that a great principle, for the first time proposed for practical adoption in the year 1855, is liable to some strong objections, which have escaped notice on the first consideration, and to which many hon. Members have not yet called the attention of the House. If we look back in history, we do not find that any country hitherto, whatever its form of government, has ever selected its civil servants by competitive examination. I will not weary the House with historical allusions, but let us only take a great republic of antiquity, the great masters of government and jurisprudence, who are the authors of almost all that is important in practical politics—I mean the Romans. Did the Romans ever think of appointing their consuls, or prætors, or any of the great officers who administered their affairs at home and carried their triumphant eagles over the whole of Europe, by competitive examination? Looking at more modern times, is there a single country which has ever adopted that principle? Did the republics and sovereignties of Italy ever adopt it? Did the great Spanish Monarchy, even when it extended its dominion over the Indies as well as over a great part of Europe, adopt it? Did France, in the plenitude of her power, ever think of appointing her civil servants by competitive examination? Has England, the great mistress of civil science in modern times—have our descendants, the Americans, who, according to the opinions, perhaps, of some hon. Gentlemen, have outstripped their progenitors in political wisdom, and who have carried, at all events, to the utmost extent, the principle of popular democratic government—have the Americans ever resorted to competitive examination for their civil servants? So far from this being the case, it is well known that the popular jealousy in the United States of America, when a party succeeds to power, is lest they should not make a clear sweep of all administrative officers —lest they should respect any permanent civil servants, and not fill the whole of the appointments in the hands of the general Government with the dependents of the party which lately acceded to power. I speak with information derived from persons who cannot be mistaken upon the subject, and who have assured me, that the popular jealousy in America is directed against the permanent retention of civil servants upon the ground of merit, and is always expressed in favour of appointments on purely political grounds. I am not defending that principle; I think it more fair to the civil servants that each political party should respect the permanent appointments of its predecessors, and by so doing contribute in the most important manner to the proper and regular administration of the Government. No person would more deplore than I should to see that sacred principle violated. I merely refer to the example of America for the purpose of showing how far the practice of that unquestionably enlightened popular form of government is from recognising the principles recommended by the hon. and learned Gentleman. We have heard a great deal in recent debates of the incompetence of the Government to manage its own affairs—of the ignorance of the persons appointed to public offices to discharge their duties—of the inefficiency of aristocratic holders of public places—and of the importance of following the example of the mercantile classes in the administration of the business of the State. Let us see if we can derive any light from the example of the mercantile bodies with respect to the appointments of civil servants. Do we find that joint-stock companies, railway companies, dock companies, and the numerous bodies organised for various commercial and mercantile purposes, under special Acts of Parliament, in different parts of the kingdom, in appointing their servants resort to the principle of competitive examination, and not of discretionary choice? I think I can defy the hon. and learned Member who made this Motion to point out a single instance of the voluntary adoption by these enlightened bodies, who are guided by nothing but their own interests and the interests of their shareholders, of the principle of appointing their secretaries, managers, and the numerous persons they employ, upon a system such as he recommends. Do they not all inquire into character, obtain recommendations, and select the person whom they think the fittest, precisely in the same manner as the public servants are selected by the State? But if the hon. Member's principle be good for the civil service of the Crown, he cannot stop there; he must apply to the municipal functionaries, to all persons employed by magistrates, and by public bodies exercising in different manners a delegated authority, of a peculiar nature. If competition for offices be made a matter of public right, can any reason be assigned why you should allow a person to come forward as a candidate by competitive examination for a clerkship in the Home Office or the Treasury, and debar him from being a competitor for the office of town-clerk, clerk to the magistrates, governor of a county prison, clerk to a board of guardians—in fact, any one of those numerous municipal and local offices with which this country abounds, and which I strongly suspect in number are not less than those in the civil service of the Crown. If the hon. Member is consistent in his principles, if he really believes in their efficacy, and thinks they can be safely acted upon, he is bound not to address the Crown, but to bring in a Bill to apply precisely the same principles to all the local officers to whom I have referred. The noble Lord (Viscount Goderich), who seconded the Motion, said he hoped it would be explained to him how it was, that while the principle was admitted with respect to the Indian service, it was not admitted with respect to the general service of the Crown. I will state the reasons why I think there is a great difference between the case of England and the case of India. Everybody knows the great embarrassment which the Indian patronage has created in the government of this country. We know that at the end of the last century it was one of the great causes of struggles in this House,—that it was the engine by which Mr. Pitt overthrew the Coalition Government of Mr. Fox and Lord North—and the country really was alarmed at the idea of the purity of the Government of this country being corrupted by the enormous bribes of the Indian patronage. It was charged upon Mr. Fox, and believed by the country, that he intended to make himself independent of the Crown, and, by his possession of the Indian patronage, to create for himself a power which should be independent of the people on the one hand, and of the Crown on the other. It is my firm conviction that those charges were greatly exaggerated, and that the public laboured under a great delusion in taking that view of the India Bill. Nevertheless, it is an undoubted fact that those representations were believed by the country, and were the main cause of the overthrow of the Coalition Government, and the subsequen accession to power of Mr. Pitt. That i an example of the great difficulties which the men of that day, whose abilities none would wish to underrate, found in the way of arriving at a practical solution of the question of Indian patronage, and the enormous influence which its exercise had upon the domestic policy of this country. It has always remained a problem only partially solved. There has always been a jealousy with regard to the distribution of Indian patronage, until, by the measure proposed to the House upon the last occasion of renewing the East India Company's Charter, it was endeavoured to solve the problem by making those appointments dependent upon competitive examinations, in order to take them out of the hands of the East India Company—an anomalous body exercising a sort of *imperium in imperio*—on the one hand, and not to bestow it upon the Government on the other. This expedient appears to me to be a fair solution of the difficulty. But I must observe that when civil servants are appointed to the Indian service, they do not at once succeed to political power. When civil servants land in India, although from the moment of their landing they become entitled to salaries, yet they are not armed with any public functions; those functions only commence when the officer is selected by the Government for the performance of some specific duty. Therefore, even under the system now existing in regard to India, there is an act of selection and of discretion on the part of the Indian Government. There is another difference in the principle with regard to India and the proposition now before the House. That principle was embodied in an act of Parliament which was deliberately considered by this as well as the other House; whereas, the hon. Member proposes to set the Royal prerogative in motion by a simple Address from the House of Commons, without affording any opportunity of consideration to the other House, as they would have in the ordinary course of proceeding. Now, with respect to the Order in Council which is under our consideration, I wish to call the attention of the House to some circumstances. It is admitted to be a step in the right direction. It unquestionably secures, if honestly and effectively carried into effect—and I can give the House a most positive assurance that in making appointments, and in all steps subsequent to this measure, the Government has acted with the most perfect good faith, and with the sole view of rendering the new system as efficient as possible—if I say, it is honestly and effectively carried out, it cannot fail to secure efficiency on the part of those employed, by ascertaining that every person appointed possesses a certain amount of qualification. It may not secure the best of a given number of persons, but it will secure a certain amount of qualification. I will now state the result of the examinations which have taken place since the Commissioners have been in office. They have granted to clerks certificates in ten cases, and refused them in five others. They have granted fifteen certificates for subordinate officers, and refused them in four cases. This result, accomplished in a few weeks, must satisfy the House that the examination is not a mere form, but that it is essentially an investigation into the abilities and acquirements of the candidates. The Order in Council is so drawn that, if any head of a department wishes to select a certain number of persons whom he might propose as candidates, he may express his desire to the examiners that the best of them might be selected for appointments, and it will be competent for them to conduct the examination on the plan of competition. The order was drawn intentionally, so as to give a considerable latitude of action; and, if hon. Gentlemen will refer to the terms of it, they will find that it is competent for the head of any department to send in eight or ten names to the examiners, with a request to them to select one or two of the fittest, who should thereupon receive appointments. It does not go the length of throwing open to the world at large, without any qualification, pecuniary, intellectual, or otherwise, being exacted, the right of becoming candidates for admission to the civil service. The Order was framed with the object I have stated, and it was intended it should be carried out in the most honest and effectual manner. It was issued only last May, and has scarcely been in operation for six weeks. Under these circumstances I would ask the House whether it thinks it would be desirable, so soon after the promulgation of this Order in Council—which cannot be denied to be an important security—more important, in my opinion, than by any subsequent measure can be added—for the efficiency of the public service, to address Her Majesty to issue another, founded upon an entirely different and novel principle? I would appeal to them, would it not be right to wait until we have had some experience of the working of this

Order in Council—to wait until another session, when we shall have better means of judging whether the Order has proved sufficient or not? If the hon. Member should then not be satisfied with the information voluntarily furnished by the Government or obtained from returns, other means of inquiry will be open to him; but, at all events, I trust the House, in considering the Motion of the hon. Gentleman, will not be disposed so soon to call upon the Crown to rescind the Order recently issued, for the purpose of trying the somewhat questionable experiment proposed by the hon. Gentleman. But there is another objection to the course which it is proposed the House should adopt. The present Order in Council was, as I have said, intended to improve the existing system; it proceeded on the basis of the existing method of appointments in the civil service, and it attempted by regulations, undoubtedly new in character, but still consistent with the existing state of things, to introduce ameliorations and improvements. A change to this extent is fairly within the limits of an Order in Council, and may with propriety be carried into effect by the prerogative of the Crown. But when the hon. Gentleman asks the House to assent to a principle altogether new, and proposes to dispossess the Crown of so vast a number of appointments, to give the public at large a right which they never before enjoyed, and to introduce a system fundamentally different from that now existing, let me ask him, is not the proper course to introduce a Bill embodying the regulations he proposes to establish, which can be deliberately considered, not only by this, but also by the other House, which could be discussed in principle on the second reading, and in details in committee? Instead of that, we are called upon, suddenly and quite unprepared, to assent to a Resolution which involves an entirely new principle, and which might lead to consequences which it is impossible in this debate to discuss. The very terms of the Motion are scarcely unambiguous, without the explanation we have derived from the explanation of the hon. Gentleman in his speech. It says, "that Her Majesty may be pleased to direct the examination to be an open one." Now, I confess, when I came down to the House, I was not sure whether the hon. Gentleman meant that the examinations should be open to the public, or that it should be open to any member of the public to present himself as a candidate for examination. It is explained to mean that every member of the public should have a right to become a candidate. It is desirable that Resolutions of this important description should be free from ambiguity, so that there could be no doubt of the meaning of the proposition. For the grounds I have stated, I trust the House will agree with me when I propose to move the previous question to the Motion of the hon. Gentleman. I have no hostility to the views of the hon. Gentleman, the general spirit of which I approve. I disapprove altogether the idea of finality as connected with the Order in Council. I admit that the subject is new. I believe that the interest which the public takes in it is likely to throw great light upon the subject, and to strengthen the hands of reformers and persons who wish to insure the efficiency of the public service, and who are friendly to the object which the hon. and learned Member wishes to promote. But I hesitate to assent to all the conclusions embodied in his Resolution; and I hope the House will not be induced to commit themselves, after a single debate, and after the summary view the hon. Member took of the subject, to agree to so important, so novel, and so wholly unprecedented a principle as that which he proposes, and that they will support me in the course which I take when I move the previous question.

Previous question proposed, "That that Question be now put."

Mr. WILKINSON said, he was anxious to take this opportunity of stating, that he concurred with those who were urging on Ministers some improvement of the present system. It appeared to him that the right hon. Baronet (the Chancellor of the Exchequer) had raised up a great many giants for the purpose of overthrowing them, for he found nothing in the Resolution about a competitive or literary examination. What they must get rid of was the system of patronage which the hon. and learned Gentleman complained of—solicitations by private Members of Parliament in favour of those for whom they were interested. An hon. Baronet opposite (Sir Stafford Northcote) had alluded to a pledge, said to have been taken by a noble Lord on that side of the House (Lord Goderich), to the effect that his shadow should never again darken the doors of the office of the right hon. Gentleman the Member for Wells (Mr. Hayter). For his

(Mr. Wilkinson's) part, it was not necessary for him to take that pledge, because he could say with truth, that his shadow never had darkened the doors of the right hon. Gentleman's office; still, everybody knew that this practice did extensively prevail, and it was very desirable that it should be abolished. That was an object which he hoped to see attained, and the best way of arriving at it was, by the adoption of the hon. and learned Gentleman's Resolution, which would not go to the abolition of the Order in Council. He was sure the Government were sincere in saying, that their only wish was to carry out this reform, and he wished to express his opinion of the necessity for their so doing.

MR. LINDSAY said, that the Resolution proposed, as the bases of appointment to the civil service, superior qualification and merit—than which none more free from objection could be pointed out; but he could very well conceive that the Government did not desire to see established any system that could interfere with their patronage; for patronage might be very convenient for a Government at times, more especially for those who now sat on those benches. He had heard it said, that Government could not exist without patronage; but he thought that a Government which could not exist on its own intrinsic merits should not exist at all. The noble Lord at the head of the Government and the Chancellor of the Exchequer had both said they desired administrative reform; but when he found them opposing a Motion which took, at least, one step in that direction, he could arrive at no other conclusion than that it was a mere matter of policy and not of honest conviction, which made them agree to the Resolution brought forward by the hon. Member for Hertfordshire (Sir E. B. Lytton), and that they had no real intention of carrying out practically measures of administrative reform. He would support the present Motion as a step in the right direction, for he believed that we should not have administrative reform till we had the abolition of all patronage in the junior appointments in the civil service. Having offered these remarks, perhaps the House would allow him to allude to some matters personal to himself that occurred in a debate which had that evening been referred to, and which had no indistinct bearing on the question now before the House. It had been stated in that House and elsewhere, that he was a teller of "virulent untruths," and he hoped he should be permitted to occupy their attention for a short time while he referred to those charges, at least, which had been made against him in that House. He hoped that the charge which had fallen from the hon. and right hon. lips which preferred it had been uttered in a hasty moment, and therefore he should pass it over without resentful comment: but he wished to allude to certain statements made by the First Lord of the Admiralty (Sir Charles Wood), in correction of others which he (Mr. Lindsay) had made, involving points which it concerned his character for veracity to clear up. He had stated that 3,000 horses which were to be sent to the Crimea, could not be sent there for lack of transport—and it was said, in reply, that the number was not 3,000, but 2,810; the statement he had made, therefore, was not a "virulent untruth," but was substantially founded on fact. He further stated, at the same time, that offers of tonnage at low rates had been made to the Government, and that they were pitched into the waste basket. The answer was, that military officers did not like sailing vessels. But other Governments had sent out horses in sailing vessels with less loss than the British Government had incurred by sending out horses in steamships. Had the offer to which he had alluded not been pitched into the waste basket, the Government might have hired a magnificent fleet of sailing vessels at a cost to the country of 96,000*l.*, while the cost of the steam fleet which had been engaged was 300,000*l.*; so that the transport of horses by steamships instead of sailing vessels had entailed upon the country an expenditure of 204,000*l.* He had further stated that a ship named the *European* had been offered to the British Government, but had not been engaged, on account of the frivolous conditions to which the owner was required to submit. The answer to this statement was, that the *European* was refused by the Government because she had not sufficient height between decks. Now, the height required by the Admiralty was seven feet six inches, and the height of the *European* between decks was seven feet six inches and a half; while the height of the *Oneida*, the vessel engaged by the Government at Greenock, was only seven feet four inches. He had also stated that a ship which was offered to the Government had been ordered to come round from the Clyde to Deptford or Liverpool for survey, but that the owners declined to agree to such condition until they were aware whether the ship was to be accepted or not. Now, that ship was ordered to proceed either to London or Liverpool, not to be fitted, as the right hon. Baronet had attempted to mystify the House by suggesting, but to be surveyed. The owner could have had no objection to send the ship to either port to be fitted, and he said, "Send down surveyors to see that the ship will suit you, and I will send her round either to Deptford or Liverpool to be fitted." He (Mr. Lindsay) had said that it would have cost the owners 400*l.* to send the ship round to either of those ports, but he had been informed by the owners themselves that the cost would have been 1,000*l.* It had been stated, that he had an interest in some of the vessels to which he had referred; but the owners of those ships said, "Neither Mr. Lindsay nor Mr. Gladstone has been, directly or indirectly, connected with the two steamers named, nor does the former give directions concerning them, or interfere in any possible way with their management." The next statement he had made, to which exception had been taken, was, that a ship had been sent from London to the Tyne for twelve tons of iron tanks or cylinders, and it was said that the real weight was fifty tons. On a former occasion he had produced an order from the First Lord of the Admiralty, ordering a valuable ship to proceed to the Tyne to take on board twelve tons of iron tanks or cylinders, and whether the weight actually to be taken on board was twelve tons or fifty tons was a matter which might be settled between the late and present First Lords of the Admiralty. He (Mr. Lindsay) certainly thought the most business-like course would have been to convey those cylinders to Deptford, and to send them thence to their destination at the first convenient opportunity. In reply to his statement, it was said that the owner of the ship in question could not have made any strong remonstrance against the order of the Government, and the First Lord of the Admiralty (Sir C. Wood) read an extract from a letter he had received from the owner; but he (Mr. Lindsay) would ask whether there had been no personal and verbal remonstrances on the subject? If not, why did the last First Lord of the Admiralty insist that the ship *Robert Lowe* should proceed to the Tyne? He (Mr. Lindsay) had stated that a ship had been ordered to Woolwich to have her engines inspected. It so happened that the captain who was at the time in charge of the ship was now in England, and, chancing to have read the former debate, wrote to him (Mr. Lindsay), saying that he could fully confirm the statement he had made. [The hon. Member here read an extract from an affidavit made by the captain, embodying passages from his log, stating that, contradictory orders having been given, the ship was detained eight days in order that her engines might be inspected, the cost of the detention to the country, calculated at the rate at which she was engaged, being from 600*l.* to 800*l.* The captain complained of the contradictory orders he had received, mentioning that one day he was directed to take on board 200 tons of coals, the next day he was ordered to discharge them, and on the following day to retain on board as much as might be necessary for the working of the ship. The captain also referred to the conflicting orders he had received from different departments with regard to the shipment of guns, he having been ordered on one day to take on board certain guns, while on the next day he was directed to send them on shore.] This was not a document got up for the occasion, but consisted of entries made in the log at the time. The right hon. Gentleman (Sir C. Wood) said, that, although the *Tynemouth*, which was sent on this fool's errand to Woolwich, was under repairs, she had been reported by Mr. Gladstone as ready to go to sea the next day, while her engines were not in a fit state to take the vessel down the river. It appeared, however, from a letter from the captain, that the machinery of the ship was not out of order, beyond "a few odds and ends to be put to rights, which all engines required," and that the vessel would be ready to proceed to sea as soon as the stores were on board. He might state, in reply to the right hon. Baronet's assertion, that the last shipment of Government stores was made at two o'clock in the afternoon, those stores consisting of cases containing clothes for the troops, and that the vessel proceeded to sea the same day at a quarter before three o'clock. It hardly became the right hon. Baronet, as a Minister of the Crown, to read garbled extracts in support of his case. Now, with respect to the next point, he had stated elsewhere that the returns ordered by the House were not correct. In January last he moved for a return of the quantity of stores sent to the East, and also a return of the number of transports employed, the price paid, and the work performed, &c. He had said that these returns were not correct, and that he questioned whether there were any books from which they could make a return; and he thought that the fact that they took five months to make them, was conclusive on that latter point. When the returns were laid upon the table of the House, it was proved that they did not contain a single item of commissariat stores. It was not for him to say that he wanted to know what those stores were; the House wanted to know, and that was sufficient. At all events, the return was not such a one as was ordered. As to the transports, he stated that the return was incorrect, and he pointed out one ship, the *Tynemouth.* What mattered it what the ship was so long as it was a ship respecting which he had the best information? He showed that the return, so far as it affected that ship, was incorrect in every column. The right hon. Gentleman stated that he had taken the wrong dates. No such thing, for he was far too cautious to state that which he was not prepared to prove. He took the same dates as were referred to in the return laid on the table —namely, the 10th of June and the 18th of December. In the period of time which elapsed between those dates, the return stated that the ship had made twelve voyages; he said it had made twenty-one voyages; every column was wrong, and if, as respected that ship, every column was wrong, he had a right to assume that the return was incorrect as respected the other vessels. He had now disposed of each of the principal points, but there were some other points of a delicate nature which he would refer to, because they affected the management of his own business as a merchant. The right hon. Gentleman must have had a weak case, indeed, when he attacked him in his private capacity of a merchant. The best answer he could give to that, was to refer to what he was when he commenced life, and what he now was. The manner in which he progressed would prove whether he had managed his business well or otherwise; but the right hon. Baronet was not justified in inquiring into his private affairs in the way in which he had. The right hon. Baronet spoke of certain ships which belonged to him being condemned as unseaworthy. Now, it happened that two emigrant ships were built in advance of the age; and who said they were unseaworthy? The Government. It was at their order that the *Swarthmore* was recalled. That ship belonged to a highly respectable firm at Liverpool, and it was recalled at a loss to the owners of 8,000*l.*, because it was said by those whom the right hon. Gentleman employed that she was unsteady, and would topple over. She never did topple over, although, since that time, she had sailed 10,000 miles in all weathers. It was true that upon her last voyage, when she was coming home, and after she had sailed 8,000 miles in all weathers, she encountered a hurricane that dismasted her, and she had put into Tahiti. There was nothing strange in that; many a ship, in such a hurricane, would have gone to the bottom of the sea. She was only obliged to put into Tahiti for repairs, and now the right hon. Baronet said, "Here is a ship for you!" He (Mr. Lindsay) maintained that that ship was a new and a superior one; she was now in this country, and he asked any gentleman competent to form an opinion upon a ship to go and inspect her. The best answer he could give to the prejudices of the Government surveyors, who always retarded progress, was, that there had been more than 100 ships built upon the same lines, and they were the fastest ships that sailed on the ocean, and none of them had toppled over. He would not go back three years and rake up a particular ship, but would refer back three months, and tell the right hon. Gentleman of a ship that did topple over. It was a Government ship, and she toppled over as soon as she came into the hands of the Government, because the Government injudiciously altered her. That ship was the *Perseverance*, and the following was the information he had obtained about her:—Her Majesty's ship *Perseverance* was originally built for the Peninsular and Oriental Company, as a fast mail and passenger packet, with flush deck. Official folly added poop and forecastle. The "Official Establishment of the Navy" gave her the masts, yards, and anchors of a 74-gun ship, without regard to her form, build, or capabilities. Hence the natural consequences—she upset in dock at Woolwich, the masts and yards smashing in the roof and wall of the new sawmills, while the hull broke and otherwise displaced the solid granite blocks of the dock, altogether involving repairs far exceeding her present or original value. She was sent away to Sheerness, and the masts of a 28-gun frigate substituted. The directors of the Peninsular and Oriental Company were then appealed to, who appointed officers and men to equip her for sea; but official routine so baffled every attempt or suggestion of the experienced captain appointed that she yet retained the anchors suitable for a 74—aggregate weight some thirteen tons, contract value 900*l.*—instead of anchors of an improved construction, half the weight only, and 300*l.* value, such as were supplied to the *Himalaya*, nearly double her tonnage. The Admiralty, or "established anchor of the navy," be it remembered, had been condemned by a committee of naval officers and civilians (who were appointed by the Admiralty) as the least efficient of seven other improved plans submitted to them. He referred to that because he happened to be on the Committee.

MR. SPEAKER: The hon. Member is now going into a matter not personal to himself. On any matter personal to himself the House will extend their indulgence to him; but, having gone into matters not personal to himself, nor referring to the subject before the House, I think the hon. Member ought not to pursue that subject.

MR. LINDSAY said, that after that intimation, he would merely allude to matters strictly personal to himself, and take another opportunity of adverting to this portion of the subject. He spoke at great disadvantage, considering that he was encroaching on the indulgence of the House, but he would not detain them much longer. The right hon. Baronet said that "the hon. Gentleman had entered into contracts for the delivery of coals, but somehow or other he never performed his contracts in time;" and he picked out three contracts amounting to 10,000 tons. He went back some ten years and raked up those three. He admitted that he had been behindhand in 1852, but that was a most extraordinary year. Ships could hardly be got at any price; still, the firm of which he was the head, did bring up coals, though at a great loss. But if they had been behindhand in those three instances, what was that, considering the extent of the whole series of contracts, which amounted to 600,000 tons? He would, however, prove that the right hon. Baronet was not justified in saying that they never did bring them up in time on any occasion. If the business at Austin Friars were not better conducted than the business at the Admiralty, he should have been a bankrupt long before even those contracts. The right hon. Baronet stated that in May, 1852, Messrs. Lindsay contracted to ship a certain quantity of coals in August of that year, which were not, however, shipped until June, 1853. Now, what was the fact? The contract which he produced stated that there should be delivered 1,500 tons in June, July, and August, 1852; and in June, 1852, there were shipped 2,131 tons, being 631 tons over the amount specified. In the month of July there were shipped 1,065 tons, being 196 tons in excess of the quantity for the two months. In March, 1853, they shipped in the *British Tar* 593 tons. Two months then elapsed, over which, from some accident, they had no control; they offered the East India Company ships with Glasgow and Liverpool coals, but they refused to have them because they were not the coals specified, although they were a kind of coal which the Government were then using, and they shipped in June 710 tons, so that, although as regarded the two latter months they were behind the contract, they were within the time. What, however, would it have been if they were behind 710 tons, or even 7,000 tons, in contracts of such magnitude, especially when the extraordinary character of the time was taken into consideration? But the East India Company took very good care to make them pay for it, for they charged a demurrage of 296*l.* upon those two months. He had not answered all the points alluded to, as he had to confine himself to matters strictly personal; he would not say one word about the French charter, further than that it was no more like an English charter-party than night was like day. He should embrace another opportunity to clear up matters on which he had not touched at present, and he hoped he should do so to the satisfaction of all who felt any interest in the differences between him and the right hon. Baronet.

SIR CHARLES WOOD: I am glad to avail myself of the opportunity which the speech of the hon. Gentleman has given me, of making a short statement to the House, on some points in which he has questioned here and elsewhere the accuracy of what I have said on a former occasion. In making that statement, I shall strictly follow the example of the hon. Gentleman, and confine myself to those matters which are personal to the hon. Gentleman, and which for the same reason are also personal to myself. Now, the hon. Member, in the very last point to which he referred, put words into my mouth which I never used. I never said that in no case had the hon. Gentleman ever performed a contract which he had entered into with regard to coals, and I did not go back for a term of ten years. The best proof that I did not do so, is in the very case which the hon. Gentleman has himself brought forward, which is the oldest case to which I referred, and which, as he himself has correctly stated to-night, relates to a contract made in 1852—three years ago, and not ten. When I made the statement to which the hon. Gentleman has referred, I had before me a return from the East India Company, of the time at which the coals were to have been delivered, and of the time at which they were delivered. I hold that return in my hand at this moment, and I find that the statement I made was perfectly correct. The last delivery of coals under that contract, which ought to have been made in August, 1852, was not made, in point of fact, till June, 1853. The hon. Gentleman, in truth, has to-night corroborated the accuracy of my statement, for he said himself, that the last delivery of 583 tons of coal, under that contract, was in June, 1853. I stated, therefore, quite correctly, that the contract in question was not performed within eleven months of the time at which it was engaged to be performed. I am perfectly aware, and I stated so at the time, that circumstances might have occurred to lead to the non-performance of the contract. I only claim a similar allowance for the departments of Government, in respect of circumstances which they may not be able to control. The hon. Gentleman complains of my having referred to private transactions. I maintain that I had a perfect right to do so, within certain limits, in rebutting the charges made by him. I said on a former evening, and I repeat it now, that when hon. Gentlemen tell us that the Government business is inexplicably ill-done, that it is all a chaos of confusion, and that private establishments are conducting their affairs much better, it is perfectly legitimate for me to show that the contracts which have been undertaken by the hon. Gentlemen who put forward these statements have not always been so very punctually performed. I have not gone into any transactions of private parties which have not already appeared in public papers, or which are not public contracts; but I hold myself perfectly justified in referring to such transactions, in dealing with their sweeping accusations against public departments. If it be not the meaning of those Gentlemen who advocate administrative reform that the public servants do their business remarkably ill, and that private establishments do it a great deal better, I do not know what point it is that they are continually pressing on this House. If it can be shown, as I think I have shown, in the case of one of the principal champions of this opinion, himself a private merchant, or at any rate in the case of his firm, in the management of whose concerns he takes the most active part, that he or they do not manage their affairs even as well as the Government, it certainly appears to me a perfectly legitimate and complete answer to the assertion that private establishments transact their business much better than the Admiralty transact theirs. The hon. Gentleman complains that I have raked up cases that have occurred during several years, but, in truth, I merely alluded to instances of mismanagement which have recently appeared either in the public prints or in public documents, and which came before me officially when I was at the head of the India Board. With regard to the *Swarthmore*, I can only say that I never used the words which the hon. Gentleman has put into my mouth as to the vessel "toppling over." What I said was, that she had been reported by the surveyor of the Emigration Board to be unfit and unsafe for the conveyance of emigrants. The hon. Gentleman imputes unfairness to the surveyors of that Board, and says, that when she was repaired at Tahiti, it was in consequence of accidental damage. I repeat my former statement that she was surveyed at Tahiti, in consequence of opinions which were entertained by her own master, as to her unseaworthiness. The report which was then made, and made too by surveyors who could not be influenced by the Admiralty, was as follows—

> "This vessel carries in her construction itself such elements of ruin, that, unless considerable alterations are made, one can only expect to stop her actual leaks, without removing their causes, which will operate whenever the vessel labours at sea."

That is the report of the perfectly impartial persons appointed to survey the vessel. The hon. Gentleman then referred to another vessel, and the accusation which he made against the Admiralty was, that they had ordered her from Devonport to Woolwich to be surveyed. I denied their ever having done so, and, to-night, the hon. Gentleman, though he has read a long letter from the master of the *Tynemouth* about different things, has made no attempt to prove his assertion. With regard to the fitting of this vessel, the hon. Gentleman has again disputed, as he did in his letter addressed to *The Times*, the accuracy of my statement, and he now accuses me of reading garbled extracts from a letter. Now, be it observed, that upon the occasion to which the hon. Gentleman refers I read no letter at all. I stated, and I repeat that statement now, that on the 4th of June Mr. Gladstone reported that the *Tynemouth* would be ready to go to sea the next day. The hon. Gentleman accuses me of having stopped at a particular word in the letter, in order that I might not put the House in possession of the full truth of the matter. I repeat, again, that I read no letter at all. The hon. Gentleman has himself read a letter, but, with his inveterate inaccuracy, he has read a letter which is not of the same date. My statement was, that on the 4th of June Mr. Gladstone stated that the vessel was ready to go to sea the next day; and the hon. Gentleman has read a letter, dated the 31st of May, five days before. He says that I read that letter—which is not true—and that I gave only a garbled extract from it, which, of course, cannot be true either. But I will now read part of the letter of the 4th of June. I hold in my hand the letter from Mr. Gladstone. I do not think it worth while to read the whole of it, but I am perfectly ready to do so if it be the wish of the House. There had been considerable delay in the fitting of this vessel, and, in order to facilitate the fitting, certain stores, consisting of coals and other things, were sent to the dock, and it was understood that the transport would be ready to go to sea at the time specified. Shortly before the time fixed she was surveyed by an officer of the Government, in order to see whether she would be ready or not. The surveyor made inquiries of the workmen on board, and the result of those inquiries was, that he was convinced that she would not be ready for sea at the time named. The principal part of the letter of Mr. Gladstone relates to the stores to be put on board the vessel before leaving the dock, but in reference to her being ready he uses these words—" The ship may go to sea to-morrow, unless you have more stores to send "—that is to say, that as far as the work of the owners of the ship was concerned, she would be ready for sea the next day, that is, the 5th of June. Now, the real question is, was she ready to go to sea on the 5th of June? And upon that point I will take the liberty of reading the report of Mr. Galloway, the engineer who surveyed the vessel, dated the 6th of June, and addressed to the Secretary of the Marine Department of the Board of Trade. Mr. Galloway says—

> " In accordance with your letter of yesterday I beg to inform you that early this morning I proceeded to Blackwall, and examined the machinery of the steamship *Tynemouth*. I find that workmen are at present busy on the repairs, which will probably be completed by noon on the 8th instant, when I will attend on board again to complete the survey and deliver declaration. Should all parts be in order, the result of the next examination I will immediately report to the Board, and beg herewith to enclose an extract from my note book referring to this steamer."

I hardly think it necessary to trouble the House with this extract, which is merely a statement of the work requiring to be done. The House will remember that on a former occasion I read a report from the same officer, dated the 8th, reporting that, even at that date, the vessel was not in a condition to go to sea. I have here, however, a report signed by Commander M'Donald and by Mr. Bateman, who also surveyed the vessel on the 8th of June, and this is their account of her—

> " In compliance with your order, we proceeded to Greenhithe to inspect the *Tynemouth*, No. 102. Found she had completed adjusting her compasses at 9 a.m. The master was absent. The chief officer informed us the ship's articles were in town, and that all the crew were not on board. The engineer and the foreman of the men working at the engines informed us that they would not be completed before evening, and very likely not before the morning. The donkey engine would take two or three days to complete. The certificate from the Board of Trade surveyors was not on board. The ship's hold was not properly stowed, as a quantity of shot was scattered about, without any attempt to keep them from moving as the ship rolls. We left orders with the chief officer to have it all put to rights, the ship cleared up, articles ready on board for inspection at 9 a.m. of the 9th. They had also lost an anchor from the bows by letting it go without any chain being attached, through some accident, for which they were then sweeping."

I will not trouble the House by again reading the report of the surveyor to the Board of Trade to a similar effect, also made on the 8th of June, and clearly showing that at that time the vessel which was said to be ready for sea on the 5th of June, as far as the owners were concerned, was not in a condition to go to sea, and she ultimately left the river without having obtained the required certificate from the Board of Trade. With regard to the *Robert Lowe*, I have before stated why that vessel was ordered to go to Newcastle, and I need not now repeat those reasons. The hon. Gentleman again accuses me of having read a garbled extract from Mr. Gladstone's letter. I read the whole of the letter, and the whole of the order made upon it, so that there again the hon. Gentleman is not justified in his accusation. There only remains the question of the weight of the articles to be brought up. The hon. Gentleman says, that he has in his possession an order for the *Robert Lowe* to go for the purpose of bringing up "twelve tons of cylinders or tanks." I do not believe that he ever received such an order, and I believe he has fallen into a mistake between the weight of the combustibles, and that of the cylinders. [Mr. Lindsay: I have the letter here, and will hand it up to the right hon. Gentleman.] Sir Charles Wood, after reading the letter, continued: I find that it is exactly as I supposed, the words in the letter are, "twelve tons of combustibles," and yet the hon. Gentleman, with the letter in his hand, said to-night that the order contained in it, and which he professed to quote from the letter, was for twelve tons of cylinders or tanks. The House may by this example judge of the hon. Gentleman's accuracy. The weight of the cylinders was about sixty tons, and that of the powder and combustibles with which they were to be stowed about twelve tons, making together somewhere between seventy and eighty tons, as I stated upon a former occasion. I now come to another point. The hon. Gentleman said that he had been told by the hon. and gallant Member for Westminster, that he had bought 3,000 horses, conveyance for which was wanted by the 1st of May. I have shown to the House, and the hon. and gallant Officer has himself stated, that he said nothing of the kind, and that the assertion of the hon. Gentleman was totally and entirely without foundation. The hon. Gentleman now treats this very lightly. I am sorry he should think that making assertions for which he had no authority is a light matter; but he is not more accurate in his statement of to-night. He now says that he stated that 3,000 horses required transport upon the 1st of May, and that I had admitted that the real number then wanting transport was 2,800. What I said, however, was very different. I said that upon the 1st of May the demand made upon the Admiralty was for 2,000, and not 3,000 horses, and that the demand from the beginning of May up to the middle of June was for 800. The actual number for which requisition had been made up to the 1st of May was 2,030, the subsequent demand up to the 15th of June brought the number up to 2,800, of which upwards of 2,650 had been embarked at the time when I spoke. But I cannot allow the hon. Gentleman to avail himself of the number for which transport was demanded *subsequent* to the 1st of May, as having been wanting transport *before* that date; even the hon. Gentleman must himself see how unfair such a proceeding would be. The hon. Gentleman then referred to the case of the *Columbian*, and he attempted to represent that I had said that she had been ordered round to the river to be fitted, and not to be surveyed. I said no such thing. I said that she had been ordered round to be surveyed and fitted. That is no extraordinary order, and I quoted three other vessels which had been ordered round to be surveyed and fitted in the same way—one to Deptford, and two to Liverpool—one of them being the *Robert Lowe*, in the management of which the hon. Gentleman takes so lively an interest. There is only one other case, and I allude to it because the hon. Gentleman has now repeated it for the fourth time; and I think the House will see, therefore, that his statement is made after due deliberation and consideration. It is in reference to the *European*. He made it at Drury Lane, he made it in the House, he made it in a letter to *The Times*, he has again made it in the House, and he challenges that the veracity of his statement, or of my statement, shall be tested in the case of the *European*. Now, Sir, I am willing to accept that challenge. I will take the letter addressed to *The Times*, because I apprehend that to that he cannot object. In that letter the hon. Gentleman says—

> "I stated, further, that the *European* was hired to the French Government, because her owners were disgusted at the difficulties raised by

the Admiralty. Sir C. Wood assured the House that she was rejected because her height between decks was not sufficient to allow her to take in horses, for which a height of 7 ft. 6 in. is required. Now, the height between decks in the *European* is 7 ft. 6½ in., as may be proved by actual measurement. From this it follows that the comparative merits of Sir Charles Wood's veracity and mine may be ascertained by a foot rule; and I ask for no greater favour than that they may be submitted to that practical test."

I will not promise to submit to the test of a foot rule, because the hon. Gentleman may have had the opportunity of measuring the *European* lately, which I have not had; but I will now state to the House the ground upon which my statement was made. I said that no conditions whatsoever were imposed on or asked of the owner of the *European;* but I said distinctly that she was refused partly on account of the price, and partly on account of her height between decks; and I will now read to the House the letter from the Admiralty refusing the *European.* It is as follows—

> "I am commanded by the directors of the transport service to acquaint you, in answer to your letter of the 1st inst., that they decline your offer of the *European* steamer at the price stated, observing that her height between decks is not sufficient to enable her to carry horses."

I think that this is a pretty complete proof what the grounds were upon which the Admiralty refused the *European.* Now, as to the question of the height between decks. I hold in my hand, and anybody may see it who chooses, the original tender of the *European*—that which was sent in by the brokers when she was tendered to the Admiralty. Now, that document is signed by the partner of the hon. Gentleman, "George Gladstone, for John Gladstone." I believe I am correct in stating that John Gladstone is the father of George Gladstone, and, as I have stated before, when the hon. Gentleman came into Parliament his contracts were transferred into the name of John Gladstone; but the management of all the business appears to have remained in the hon. Gentleman's firm. Here, then, are the dimensions of the *European,* as stated in the document signed by George Gladstone:—Height of between decks in three places—1, at the stem, 6 ft. 6 in.; 2, at the fore part of the engine-room, 6 ft. 6 in.; and 3, at the stern-post, 6 ft. 6 in. Now, Sir, I should like to ask what means we had of knowing the height of the vessel if we were not to believe the document which was signed by the partner of the hon. Gentleman himself? I know very well that in another vessel—the *Columbian*—the height was altered afterwards. Whether that has been done with the *European* I know not; but what I do know is, that she was rejected because she was not of sufficient height between decks, and that the height was taken from the dimensions in the tender which was sent in and signed by Mr. George Gladstone, the partner of the hon. Gentleman.

MR. LINDSAY, amid cries of "Spoke," said, I must just say one word in explanation. The *Robert Lowe* was obliged to come to London. In the *European* the height 7 ft. 6 in. is from deck to deck, not from deck to beam.

SIR C. WOOD: The whole particulars of the *European* were given in the usual form, not applicable to her only, but in the same manner as the hon. Gentleman's firm had filled up other tenders. They were given in the printed form, and the heights stated are those which I have read to the House.

SIR STAFFORD NORTHCOTE said, he wished to bring back the House to the debate from which it had diverged about an hour and a half ago, and which was far too important to be set aside by a mere personal discussion. He thought that those who were interested in the question had every reason to congratulate themselves that this important subject had at last attracted attention in a form in which its merits could be fairly debated, and that they might further congratulate themselves upon the tone of the speeches which had been delivered, and upon the weakness of the arguments which had been directed against the proposition of the hon. and learned Member for Cork. He imagined that the form in which the Government proposed to meet that Motion, by moving the previous question, was in itself an acknowledgment on their part that the views propounded in the Resolution were not unworthy of consideration, and were not to be absolutely negatived, although the present might not be the proper time for considering them. The reason given by the right hon. Gentleman the Chancellor of the Exchequer, that it was not expedient, so soon after the Order in Council had been issued, to revoke it, seemed also to favour that view. But it appeared to him that the right hon. Gentleman had unconsciously misrepresented the effect and meaning of the Motion, because he spoke of it as if its object were to revoke the Order in Council recently issued, and to substitute for it a new and untried scheme. He (Sir S. Northcote) did not understand that the Address, if agreed to, and still less the speech of the hon. and learned Member for Cork (Mr. V. Scully), would imply any request to the Crown to modify the Order which had been issued. The Motion as originally drawn, proposed that the Order should be altered so as to admit the desired competition; but it had been altered in accordance with the suggestion made by the right hon. Member for the University of Oxford (Mr. Gladstone), that to attain this object it would not be necessary to make any alteration in the Order, but only to give directions that such competition should be allowed. If he had understood that the effect would be to revoke the Order, he should consider the Motion most inexpedient. The real point to which the Motion was directed, was, that in place of nominating candidates to undergo a fixed examination, it should be altogether opened, subject to such tests and precaution as the examiners might recommend or the Crown direct;—and if that was the effect of the proposal, he did not think it was open to the grave objections which had been raised to it by the Chancellor of the Exchequer. If he thought it would go to a revocation of the Order, he should deem it inexpedient to vote for it; but, looking upon it as in no way cancelling or revoking that Order, he should give it his support. The first objection which the right hon. Gentleman took to the Motion was this. He said, "Here is a proposition to have an open competition for appointments in the civil service, into which everybody, without any examination as to his qualifications, is to be allowed to enter. The effect will be, that you will deprive the Crown of its rights, and it will no longer have a veto on account of unfitness, want of moral qualifications, or on any other grounds." That would be true if the hon. and learned Gentleman proposed to repeal the Order in Council; but the Resolution of the hon. Gentleman proposed no such thing, but ought rather to be read in conjunction with the Order in Council. The Resolution in no way touched upon that part of the Order in Council which directed that candidates for the public service, after passing the preliminary examination, should enter upon a period of probation. He conceived that the purport of the Resolution was to abolish the system of nomination, and throw open the entrance to the public service to all candidates subjected to such tests and precautions as the examiners or the Crown might recommend. Such a scheme was not open to the objection taken by the right hon. Gentleman the Chancellor of the Exchequer, who said, that it would do away with a security of great importance—namely, the personal responsibility of those who appointed persons to offices in the public service. He was perfectly ready to admit that personal responsibility in making appointments to the public service, if properly exercised, would be a safe guarantee as to the fitness of persons appointed; but all persons conversant with the mode in which such appointments were usually made must know how little personal responsibility there was in the matter. He did not mean to say that there were no exceptions; but it must be within the knowledge of all who were acquainted with these matters, that in the greater proportion of appointments to inferior offices in the public service no such responsibility existed. Why, advertisements appeared in the public press offering such appointments for a consideration, and in one, which was signed "F. P.," a sum of 500*l.* was required, with the notification that the offer would not be repeated, and that no adventurer need apply.

THE CHANCELLOR OF THE EXCHEQUER wished to explain, that what he had meant to say was, that every appointment made was made either upon the responsibility of the Treasury, or upon that of the head of the department to which any person might be appointed.

SIR STAFFORD NORTHCOTE: Just so. He did not intend to imply that any person putting such an advertisement into a newspaper was responsible for the appointment; but he wanted the House to consider the way in which these things were managed. Now, supposing "F. P." had received an answer to his advertisement, he would make sure of getting 500*l.*, and would try to influence some Member of that House, or, what was more likely, somebody who knew a Member of that House, or perhaps even somebody who had a friend who had some connection with a Member of that House. The Member to whom the application was made, probably made an application to the Secretary for the Treasury, and though it was undoubtedly true that if the application was agreed to, and the person appointed turned out to be unfitted to perform the duties of the office to which he might be appointed, the Member of Parliament who had made the application would be responsible to the Treasury for it, still the same security would be afforded by the scheme of the hon. and learned Gentleman. By that scheme the examiners would, as far as responsibility was concerned, stand in the place of Members of Parliament, and would at the same time say to all persons who were disposed to accept office in the public service, "Come forward and show yourselves fit, and you shall have situations." It was a common thing to say that the class of advertisements to which he had referred was a scandal and disgrace; but he should like to be informed how, under the present system, persons who felt themselves qualified to fill an office in the public service could, if they were not connected with some Member of Parliament, make their claims known, except by adopting some such plan? He wished particularly to impress on the House that the scheme of the hon. and learned Gentleman included the principle of probation after passing an examination, and, for his own part, he would not regret seeing that probation much more stringent than it at present was. It was objected to the scheme that it would afford no test of the moral qualification of the parties, and that the class of persons most likely to succeed in the examination would be schoolmasters. Now, with regard to that objection, he could only say that, since the intellectual *status* of schoolmasters had been improved, it appeared upon high authority that persons were most anxious to engage the services of those individuals to aid them in carrying on their business transactions; and if that were the case, why should they not prove equally useful in the service of the country? Another objection which was taken to the scheme of the hon. and learned Gentleman by the Chancellor of the Exchequer was, that if it were applied to clerks, where was it to stop? Was it to be extended to higher and more permanent offices? His answer to that interrogatory was "No." The cases were widely different, the one being only admitting a man upon the strength of having passed an examination to a state of probation, while the other was appointing a person to a higher office with a full knowledge of his previous services. The right hon. Gentleman deprecated the introduction of this principle, because he said that it had never been adopted in any age or country; but that opinion of the right hon. Gentleman was, he thought, unfounded. There was a distinct precedent for the adoption of such a principle in the case of France, where a system of competitive examination, called "*concours universel*," had been in operation for a considerable period with regard to certain professions. It was originally applied to the medical profession, and afterwards extended to the public schools, and to the naval and military schools; and in a printed report by the Minister of Marine, dated March 3, 1852, that functionary set forth that his department was in a bad state, that the persons employed in it were too numerous, too badly paid, did too little work, and did not give much attention to it; he added that a smaller number of officials, better paid, would speak less and do more, and the remedies he proposed were to improve and simplify the procedure in the office and to improve the character of the appointments by the application of the *concours*. That had been done, and it was understood to have succeeded completely. With regard to the system of competition proposed by the hon. and learned Member for Cork in his temperate and sensible speech, two objections were taken to it—one being that it would not work well for the civil service itself; the other—which he believed to be the real and most formidable objection — that it would upset our present system of party government, and would derogate from the authority and dignity of the Crown. Now, it could scarcely be contended that the honour and dignity of the Crown would be impaired by promoting the efficiency of the public service; and, as to the other point, he would ask hon. and right hon. Gentlemen who had occupied positions in the Government, what they had gained and what they had lost by the present system of patronage as compared with the system which, throwing aside patronage, would establish greater efficiency in our public offices? But then it was said, "Why not as well propose to extend this principle of competition to all the higher offices of the State?" This was altogether out of the question. The men who held such offices did not arrive at them by going through a course of training in the lower ranks of the service as clerks; they attained to their positions by a course of training in Parliament, by their power as debaters, and their wide and accurate views upon public matters, or perhaps by their connection and influence. But, whatever might be the mode in which they gained office, certain it was that, when called upon to preside over any department of the public service, it was their interest and for their reputation that that department should be in the most efficient state possible. The Duke of Newcastle, both in point of ability, experience, character, and disposition, was a very fair average specimen of those noblemen and gentlemen who became the heads of public departments. Well, was the Duke of Newcastle to be blamed for the failures which took place in his department at the outset of the war, or was it not the fact that those failures arose to a very great extent from the inefficient machinery with which he had to work? It seemed to him as though his Grace was very much in the position of our Sappers and Miners, whose tools broke in executing the works before Sebastopol, and he was, perhaps, very little more deserving of blame than any were. If noble Lords and right hon. Gentlemen had any regard to their own present and future reputation as heads of the departments over which they were called upon to preside, they would see that those departments were placed in a thoroughly good working condition, and if that object could be gained by the surrender of their patronage, he thought they could not long hesitate to make that sacrifice. It was on these grounds that he had determined to give his support to the Motion of the hon. and learned Gentleman.

SIR FRANCIS BARING said, that as far as he had understood the Chancellor of the Exchequer's speech, he had gathered from it that the right hon. Gentleman was in every way anxious to improve the public service, and did not commit himself to reject any scheme of competition, but was only unwilling, on a sudden, by a simple vote of this House, to adopt a system which even its advocates did not regard without some expression of doubt, and did not quite understand. He hoped it would not be supposed that those who had considerable doubts as to the desirability of open competition, and its success in procuring good clerks and servants, and who opposed such a proposal, were hostile to any improvement in the public service. He confessed that, having had some experience in that service, and having been ten years in one office, he did not at all concur in that general censure which was so strongly thrown upon the public departments; and he had seen with much surprise and much pain the language in which the Report of Sir Charles Trevelyan was drawn. He admitted that Sir Charles Trevelyan stated, in explanation, that he did not intend to cast a slur upon the public service; but anybody who read that Report must come to the conclusion—and this was the effect it had had upon the public mind—that the public service was crammed full with persons who were mere drones, and incapable of doing their duty. Now, his (Sir F. Baring's) experience was quite in opposition to this, and he could say, without hesitation, that when he left the Treasury there was ample talent there to perform the duties required; and if it had been subsequently found that this was not the case, it must have been the fault of those who did not seek out, encourage, and bring forward talent in the office. He believed that that was generally the experience of gentlemen who had been at the head of departments. They had heard a good deal about the inconvenience of patronage to the public service. Now, were they going to introduce the system of competition merely for the purpose of getting rid of the trouble which Members of Parliament experienced in receiving applications from their constituents? Or were they really desirous of ascertaining what scheme would give them the best public servants, and would fill their offices with the best clerks? The last seemed to him to be the most important point, and he would trouble the House with a few observations in regard to it. When they talked of getting rid of patronage, of selection, and of nomination, and proposed to substitute open competition, he would remind them that a certain number of nominations was now made without any reference whatever to political interest. When he was in the public service, a certain number of vacancies in the Excise were always reserved for the purpose of being given to the sons of deserving officers, and those were bestowed, not by the selection of the Treasury, but of the heads of the departments under whom they had served. Under the new system it was proposed to sweep away entirely all such appointments; yet he did not understand that the warmest administrative reformer objected to an arrangement so beneficial, both to public servants and to the public service, by which the long and faithful services of the father were taken into consideration when the son was a candidate for an appointment. They were told that the same practice ought to be followed in the public service and in that of private individuals; but was there any one, whatever might be his business or employment, who, if he found the son of a man that had faithfully served his family capable of discharging the duties of a situation at his disposal, would not feel it just to give that son a preference over other parties? Every one who had any cognisance of the exercise of patronage could bring forward case after case in which rewards had been properly bestowed upon public servants by placing their sons in the public service. He would mention two cases, both referring to Ministers now gone. The first was that of a naval officer, Captain Bathurst, who fell at Navarino in the command of his ship. To his son, Lord Grey gave a clerkship in the Admiralty. The second was that of the surgeon who volunteered to go on board the *Eclair*, a service more dangerous than commanding a storming party before Sebastopol. He died in the performance of his duty, and Lord Auckland gave his brother the first piece of patronage at his disposal. There was also the son of Mr. Crafer, who had been for so many years connected with the Treasury. It was all very well to talk of open competition; but were they prepared to say that the only answer to such applications as that of the widow of Captain Bathurst must be a reference to examiners and the system of competition? He did not believe the public mind would go with them to that extent. Before the commencement of this debate a very proper question was asked—whether those who had been wounded in the late engagements would receive a preference in the appointments to employment for which they were fit? The House cheered that question. But if they adopted the system of selection entirely by competition, would these men have to be told that they must go before examiners, and that their appointment would depend upon whether or no there were other men examined better than themselves? He did not believe that the system of open competition could long be kept up when claims of this kind were urged; public feeling would not support it. But were they quite sure that open competition would give them the best clerks? What was it they wanted? This was at the bottom of the whole question. Practical men who had been brought up in the service, like Sir Alexander Spearman—men who had risen from the ranks—did not by any means express confidence as to the result of the system it was proposed to adopt. But the Report which had been laid before them would lead them to believe, that under that system gentlemen would become candidates for clerkships who had taken honours at Oxford and Cambridge—men of high talents and ambition. But supposing that were so, he would ask, were these the persons that made the best clerks? They were, no doubt, admirably adapted for the professions for which they were intended; but what was wanted, for 99 clerkships out of 100, was a steady, honourable, conscientious man, who would perform the duties intrusted to his charge—not a statesman or a first-class University man. No doubt, greater ability was required for a higher class of appointments; but what position could be more unfortunate than that of a wretched individual at the head of an office who had under him a parcel of gentlemen over-educated for their situations, men of great ambition, who were anxious to push forward, but found themselves condemned to subordinate employments and to dull and often stupid labour? He had a high respect for the ability and integrity of Sir Charles Trevelyan, with whose appointment he had something to do, but he should be very sorry to have a whole office full of Sir Charles Trevelyans. Sir Charles was now the right man in the right place; but he was sure no office could work well in which all the clerks possessed Sir Charles's ability and anxiety to do work. The two gentlemen who drew up the Report saw this difficulty; they knew that no one was so uncomfortable to every one about him as a man who was doing work that he fancied to be beneath his ability; and the remedy they proposed was, to throw the greater part of what would be called the drudgery upon supernumerary clerks, reserving the gentlemen appointed by competition for the higher duties of the office. He could only say, that if he should ever happen to fill an office, after the new system had been adopted, his first prayer to Sir Charles Trevelyan would be to find him an extra batch of supernumerary clerks, and to take away all the gentlemen who had been appointed by competition. These supernumerary clerks were excellent men—not, however, because particular attention had been paid to their selection, but simply because of the slight tenure upon which they held their offices, being liable to dismissal at a week's notice if they did not perform their work to the satisfaction of their superiors. The real history of all the difficulties connected with the public offices was, in fact, not the difficulty of appointing good and efficient men, but the habit of not removing those who were found incompetent for performing the duties of their office; and this was partly owing to the impediments which that House placed in the way of a Minister who was anxious to do his duty. It was said, however, that there was now a close system of appointments, and that they should be thrown open to all the world by means of competition. No doubt, to do this would be holding out a very tempting bait to the country; but those who thought that competition would have such a wide effect would certainly find themselves to have been egregiously deceived. Look at their proposed examination. What they required from the generality of clerks in a public office was, that they should be able to write a good hand, to read English, and have a knowledge of the first four rules of arithmetic; or, if they went beyond those qualifications, perhaps they would look for a little book-keeping, and in a few instances for a smattering of French. Now, if four men should be found equal when tried by this standard—which was quite as high as they need go—how were they to settle which was to have the appointment? They would probably extend the examination to some of the "'ologies;" and under the new system he was informed that questions were to be put to the candidates on chemistry. Where several competitors were equally qualified upon points that were essential, if they wished to get at the best-educated man they must obviously turn to matters that were not absolutely necessary; and, that being so, was it quite certain that instruction in the higher branches of knowledge, such as Greek and Latin, was obtainable at so cheap a rate as to place situations for which those acquirements were requisite, really within the reach of the poorer classes? On the contrary, would not the practical operation of their vaunted competitive system, which was to be open to all the world, ultimately be to throw all the best appointments in the public service into the hands of the richer portion of the community? It so happened that he had himself been the author of a competitive scheme. When Lord Melbourne came to the Treasury, he recommended to his Lordship a plan under which, instead of nominating one individual for an appointment, they sent in three or more names, the best of whom was generally chosen, although they were not bound to select at all, because he knew of an instance in which there were three candidates, all of whom were rejected as being unfit. Never in his life had he to perform a more difficult task than that of hitting upon a form of examination which should secure exactly what was wanted. If, for instance, they disregarded the age of candidates, and merely looked at a particular standard of qualification in all cases, they might, indeed, obtain the services of the best man at the time of his appointment, but not those of the man who, twenty years afterwards, would prove the best public servant. And here he must tell the whole truth. Those who succeeded him in his office must have considered that his scheme worked very ill, for Sir Robert Peel, after receiving a report from the officers of the Treasury, came to the conclusion that it was very unsatisfactory, and the principle of competition was consequently abandoned. It was rather surprising, indeed, that this circumstance was not mentioned in Sir Charles Trevelyan's recent Report, because that gentleman was one of the officers of the Treasury, both when the plan above described was in existence, and at the time it was found not to have answered; and, surely, in a matter of this kind they should be guided by the lights of experience. Under that system, in one particular case an examination took place, and the best man was chosen, and he afterwards turned out well. The second best man, although rejected in this instance, soon got another public situation; but after the competitive scheme was abolished, he returned to the Treasury; and this second man, at an examination, actually proved to be the best man in the very office from which he had before been excluded. No doubt, however, nothing could be more inconvenient to hon. Members of that House than the constant applications to which they were subject under the present system of distributing public patronage; but, if they had the moral courage to do what was their duty in this matter, they might easily be relieved from this annoyance. Our present system was bad, not from the appointments being defective, but, first, because seniority was almost as a matter of course promoted instead of the best man; and, next, because of the great difficulty experienced in removing the unfit men who were to be found in the public service. Yet the proposed scheme of the Government provided no effectual remedy for either of these evils. True, there was to be a reference to the Commissioners, who were to keep a sort of ledger, in which were to be registered the merits of different officers, in order to serve as a guide in the granting of promotions. This, however, was likely to work even worse than the existing system. There was no analogy whatever between the public service and the management of a private office. In private establishments every employer appointed his own servants; but the heads of public departments were not to be allowed to choose their subordinates. Again, every private employer gave promotion at his own will and pleasure; but that House was rather inclined to favour seniority as the rule for promotion in the public offices. In the higher class of appointments, every private firm was also at liberty to pass by its own inferior clerks, and select the best persons in an open market. At present the staff employments were open to the public, and the Government had the right to appoint the best men for such situations; but, according to the views of the hon. Member for Dudley (Sir S. Northcote), which he regarded with some alarm, the clerks were to have a vested interest in all staff appointments, and the hands of the Government were to be tied in respect of all selections for the higher offices. Instead, therefore, of assimilating the practice of the public departments to that which prevailed in private establishments, which wisely placed everything under the authority of the heads of the firm, the scheme now devised would do everything to limit and restrict the control of the heads of departments; and those who anticipated an improvement in the public service from its adoption, were, in his opinion, doomed to serious disappointment.

Mr. GLADSTONE: Sir, if I rightly understand the question upon which we are about to vote, it is not so much whether every expression in the Motion of the hon. Member for Cork is well adapted to the purpose which he has in view, as whether even fair exceptions might not be taken, either on the ground of ambiguity or on other grounds, to certain expressions contained in it: it is, however, on neither of these questions we are about to vote, but on the issue raised by the Motion of the Chancellor of the Exchequer, who, after having used arguments which might be urged against pronouncing an opinion in favour of a system of competition at any time, contends that it is unsuitable to pronounce any such opinion at the present time. The right hon. Gentleman supports his argument by the statement that the Order in Council lately issued establishes and makes compulsory a system of examination for admission into the lower grades of the civil service, and then proceeds to argue that we ought not to take any further step until we have ascertained how this measure is likely to work. I wish to point out to my right hon. Friend that the case does not stand as he has placed it. Whether happily or unhappily, the passing of the Order in Council is not the last step which has been taken in this matter by the Government or by the House. My right hon. Friend might have used his arguments for the purpose of giving a negative to the Resolution of the hon. Baronet the Member for Herts (Sir E. B. Lytton). It was, however, after the Motion of the hon. Baronet had been agreed to under the circumstances stated by a previous speaker that the present Motion is brought forward, and, as it appears to me, at a time when the House by assenting to it might with propriety show to the country what it was that it meant by agreeing to that Motion of the hon. Member for Herts. And there are some reasons for putting the question—"What do you mean by that Resolution?" This is a time, I think, when it is eminently desirable for the House to leave no doubt on the minds of the people of this country as to whether it is in earnest or not with regard to the reform and improvement of our administrative establishments—a question which now occupies so large a share of public attention. I ask this question—Is the Resolution of the hon. Baronet, standing alone, calculated to make the intentions of the Government clear, or is it not? I take the Resolution, and I must confess that it appears to me to be a collection of vague and bald generalities, which may be understood to mean anything or nothing, according to the will and inclination of those who adopt it. The speech of the hon. Baronet was full of meaning; he mentioned a long catalogue of measures, including those which, I believe, lay at the root and foundation of all improvements—namely, measures for setting free the admission to the public service. I have no complaint to make as to the speech of the hon. Baronet; and those who heard it cannot doubt but that he knows what he is about, and that, whether right or wrong, he is in earnest in what he recommends. All sorts of speeches were made in support of his Motion. There were those of Gentlemen meaning much, others of Gentlemen meaning little, and those of Gentlemen meaning nothing at all—because they asserted that all that could be done had been done, or that everything which could be done was included in the established routine and practice of the country. That this Resolution passed as it did, I regret; for if it is possible to conceive anything which would make an unfavourable impression on the country with respect to this subject, it is, firstly, the unhappy circumstance that the House expressed itself, with regard to it, in language susceptible of all sorts of significations; and, secondly, that the Resolution which embodied its views was adopted under circumstances such as my noble Friend (Viscount Goderich) has described. This, then, in my opinion, is eminently a time when the House ought to consider what further duty it is incumbent on it to take with regard to this matter. The Chancellor of the Exchequer, and the right hon. Baronet who has just sat down, have adduced arguments to prove that the House ought not now to express an opinion as to free admission to all the lower grades of the public service. The Chancellor of the Exchequer quotes the examples of other nations, and referred us to the Romans and the Americans. I admit that the Romans were great masters of civil wisdom; but really to say that, because the Romans did not adopt particular institutions, they are not suited to the meridian of the present age, would be to admit a doctrine which would lead not only to the non-introduction of many improvements, but to the removal of many of those institutions which we most dearly cherish—to the total extirpation of our existing form of Government. The right hon. Baronet will not find a prototype of the House of Commons among the Roman institutions; and, to make an appeal which will go more directly to the heart of the right hon. Baronet, I will remind him that he will find nothing among the Roman institutions that bears the slightest resemblance to our national debt. Neither, with all his erudition—of which no man possesses more—can he extract anything from the history of the Romans at all parallel to that loan which he has so successfully raised during the present year. With regard to America, I am not disposed to speak lightly of the American institutions; they are marvellous creations of human wisdom, but creations which have been brought into existence under many disadvantages which we are free from, and, perhaps, under some advantages which we do not possess. But I cannot therefore admit that in matters of Government we ought to cross the Atlantic for a pattern to conform to; and, least of all, as regards patronage and admission to office, shall I seek for our pattern in America. The right hon. Baronet has pointed to Joint-stock Companies and to private institutions, which do not admit persons by competition in the sense in which the word is proposed to be used. They certainly do not admit this system, because the principle of private interest which presides over the management of these institutions is a self-acting security, and as perfect a guarantee as human infirmity will admit of, that the best men will be chosen for the best places as they fall vacant. You are enabled in private institutions to dispense with all that machinery which the nature of public establishments obliges you to call to your aid. In the public service you cannot count upon that uniform vigour and vivacity which the nature of private institutions permits, and you have therefore to choose the best possible substitute. The question, therefore, which we have to consider, is, not whether we ought to follow the example of private institutions, but whether we have, through the means suited to the nature of public institutions, and available at our command, put ourselves in possession of the best system which circumstances will enable us to establish, for the purpose of providing the fittest persons to carry on the business of the public service? The right hon. Gentleman the Member for Portsmouth (Sir F. Baring) has made a very clear, fair, and able statement of the view of the case, which is opposed to the Motion of the hon. Member for Cork. When I say it was a fair statement, I would qualify the epithet in one small point, because I do not think it was altogether fair of the right hon. Gentleman to lay on the back of Sir Charles Trevelyan the responsibility of all that is unfavourable in the recent delineations of the public service. If the right hon. Gentleman has read the Blue-book, it is remarkable that he should have passed over without notice the delineation of that service given by Sir James Stephen, a man of the greatest ability, of long experience in the civil service, and a man, too, who is utterly opposed to the system of free competition. Why, Sir, if Sir Charles Trevelyan has chastised the civil service with whips, Sir James Stephen has chastised it with scorpions. The fact that Sir James Stephen, after having given that description, winds up his paper by what appears to me to be an elaborate plea in favour of the right of mediocrity to be pensioned and charged upon the public, makes the picture which he has drawn of the present system all the more remarkable and all the more pungent. But, Sir, I do not think it is necessary for my argument to rely upon any extravagant description of the present state of the civil service. With regard to the higher offices in that service, they are generally well filled—in many cases admirably filled; and I am sure my right hon. Friend the Chancellor of the Exchequer will bear me out in saying that the officers of the civil service with whom he is brought into daily contact are men who would do honour to any service in the world. But, then, I must observe, with regard to them, that the mode in which they are selected is not the most satisfactory; because, in consequence of the weakness, the impotence, and the deadness of all the lower limbs of the service, when you want a really able man for a really responsible situation —being bound by the bad system of promotion by seniority in the service—you are obliged, three times out of four, to go out of the civil service, and bring in your able man from other ranks of life. Take, for example, Mr. John Wood, the head of the Inland Revenue Board, Sir Charles Trevelyan, the permanent Assistant Secretary at the Treasury, Mr. Merivale of the Colonial Office, and the generality of the gentlemen who have filled the post of permanent Under Secretaries—these are all instances in which you have been obliged to go out of the bounds of the service to get the men you wanted. Mind, I am opposed to a monopoly of succession in the civil service. It is utterly impossible that you should give the civil service a monopoly of succession under the existing system. If you organise any such monopoly you will bind the political administration hand and foot, and you will make it impossible to carry on the public service. But if I am asked whether I think it desirable that the great bulk of the higher offices of the civil service should be given to the members of that service, my answer is, that I think it desirable that the lower ranks of the service should be brought to such a state that you might safely recruit the higher ranks from them. The general rule is, that you have to go out of the service for your able men; the general rule ought to be, that you should find your able men within the service. The fact that you bring in so many persons from without greatly retards promotion in the service, and the general result is, I fear, to equalise the good, middling, and bad. Under such circumstances, it is impossible that the state of any service should be satisfactory, and it is no reproach to the members of any service so situated to say that it is unsatisfactory. This unsatisfactory state has no doubt been modified at times by a vigorous Administration, and occasionally by sacrifices of patronage on the part of heads of departments which did them the highest honour. Of these I do not know one which is more conspicuous than the measure adopted by Lord Liverpool in days when there was no administrative reform—when, perhaps, the words had never been heard—by which the whole business of promotion in those two great departments which are connected with the collection of the revenue, both Inland and Customs, was given over bodily into the hands of the chiefs of the departments. This surrender of promotion into the hands of authorities who are perfectly disinterested with respect to the first nominations has, I believe, worked well on the whole, and has mitigated the evils of the service. I do not, however, stand upon any strong description of those evils. I say the public has a right to be served by the best men who can be got for the money it offers. It is not enough to say that the charges of gross incompetency brought against the civil service cannot be made good—the question is, does your system place at the command of the public the best men which the market of talent and character will supply for the price offered? I say it does not. But while there is in the lower and middle ranks of the civil service a much lower average of talent than the public has a right to expect, there is also a vast mass of collateral evils connected with the system which the hon. Member for Cork has done well to expose.

The right hon. Gentleman the Member for Portsmouth says that this desire for a system of free competition arises from the laziness of Members of Parliament, who do not wish to be annoyed by the applications of their constituents, and from a want of moral courage on their part, which prevents them doing their duty in answering these applications. But is this a fair statement of the case? Is there nothing to be considered in the communications which pass between Members of Parliament and their constituents seeking places but the mere trouble? Are the men who seek a favour placed in a position which has such a tendency to maintain freedom and independence of character that we should desire to continue a system under which you are always quite sure to have a large class of men petitioning for that for which they have no right to ask, and which those to whom they address themselves have no right to give? Neither is the position of Members of this House when dealing with these petitioners a very favourable one. The hon. Member for Lambeth (Mr. Williams) has declined to be the medium of such applications; but while the Members for large constituencies can more easily repel such applications, it is not so easy for hon. Members who are returned by small constituencies to do so. For my part, there is no man in the House who is more bound to express his gratitude in this respect to his constituents than I am, from the circumstance that ever since I have represented the University of Oxford I have not known what it was to be troubled with a solicitation of this kind. Hon. Members will, perhaps, say that that is because my constituents are not men likely to be in want of porterships and messengerships; but still there are other offices which would be extremely acceptable to multitudes of young men who have just passed the University; and, with respect to many of my constituents, there is a species of patronage in the shape of livings, for which they might think they had just as good a right to apply as any one else. But the House should remember that this system of patronage has become a part of our national organisation. You cannot look at a copy of *The Times* without seeing advertisements in which sums of money are offered for Government situations. That is the darkest feature of the picture. But I hold in my hand a cheap book, which may be had for 2*s*., entitled, *A Guide to Government Situations.* This is a practical book, and is intended, by its price and form, to induce young men to bestow 2*s*. upon it in order to find their way into the public service. The book begins with the House of Commons, and teaches the young man to look to that if he wishes to find the way to office. It says—

> "The degree of attention paid to the recommendation of a Member depends upon his value to the party he supports. One of the most zealous and powerful advocates of the Ministerial measures proposed would therefore obtain the patronage of half a dozen vacancies, while the silent supporter who just wakes up in time to record his vote would be disregarded."

When the writer talks of a silent supporter, I think he does not know the value which is attached by Governments to a silent support.

> "The influence of Members of Parliament is not confined to those offices in which the appointments are made by the Treasury, but extends, more or less, to most of the Government situations, the patronage in the hands of those Ministers who are temporary heads of departments being dispensed with an equal regard to Parliamentary support. The exceptions to this rule consist in those cases in which an officer of State, sharing Ministerial patronage, obliges his own circle of private friends or distant relatives, by appointing them, or those whom they recommend, to Government situations. The most powerful influence of all, therefore, consists in the union of the claims of private friendship with those of valuable political support. It is as well to observe here, that the greater the number of applications on behalf of one individual that can be brought to bear upon the dispenser of patronage the better. Unless the one supporter be a Member of unusual influence, one will rarely procure an appointment. There seems to be almost a rule now adopted, that each applicant for public employment should have a proposer and seconder, but of course every additional application beyond this will serve to strengthen the case. In soliciting an appointment, the applicant must not be too certain that he has gained his end when the Member or Minister puts his name down upon his list, and promises to do his best for him; nor, indeed, when he may receive an official note from the Treasury or the private Secretary of the head of a department, informing him that his application 'has been received and will be considered;' these are often merely the official modes of quieting or getting rid of applications. If the Member really intend to serve you, he will have to make vigorous application at the proper quarter, where, as before stated, his success will depend upon his influence, and he may even have to be importunate on your behalf."

What does this show? It shows that there are a large class of men who are kept continually hanging in this state of expectancy. I ask the right hon. Member for Portsmouth, whom I know to be an eminently virtuous and vigorous public servant, whether he thinks it is favourable to the character of his fellow-countrymen and a good point in our own social system, that at all times, for 1,000 Government offices, vacant in any one year, there are throughout society many thousands who are wasting the flower of their youth and hopes in these applications? The right hon. Gentleman says that if we adopt a universal system of competition, we shall get rid of that which is very creditable to the parties concerned—the disposition that exists to appoint the sons of old public servants to places in our public establishments. But in the first place, this does not touch the life and centre of the case, for, if he thinks that public servants ought to have a *quasi* hereditary right, let their case be an exception, but do not on their account maintain a general system of nomination. For my own part, I am doubtful and jealous of that system of the hereditary descent of offices in the public service. If you have an established and well-regulated examination, judiciously adapted in every department to the wants and business of that department, does it not follow that the children of the officers of that department will by nature and training have a great advantage in these examinations? They will have grown up in the atmosphere to which other candidates are suddenly introduced, and that is the fair and satisfactory advantage which they will always possess. I must say I am jealous of those acts of charity done at the public expense, and see no reason why the son of an old public servant should be put in his place; it would be much better that he should take his chance according to his merits, although the right hon. Gentleman exhibited, in many circumstances of his description, a disposition to produce an effect upon his audience like that of a man put upon his trial in the Athenian republic, who produced his wife and children at the bar, to move the commiseration of his judges. The right hon. Gentleman says, that if you adopt a system of examination you will have a great many disappointments, that you will have a great many men above their work, and that your best men will not be your best men twenty years hence. There may be a great many disappointments; but are there no disappointments now? Does not the right hon. Gentleman know that the lives of many people are a succession of disappointments? I am certain that applications have been made to me on behalf of the same parties ever since I have been in public life. I regret to be able to bear testimony to the fact, but it is scarcely an exaggeration to say that many men waste their lives in the business of solicitation for offices. I say that the freedom of demand and supply is the best security against this disappointment. If you want to reduce that disappointment to a *minimum*, make free the access to the public service, and adopt the same principle which governs the supply of corn and meat. It would be easy to make out a strong and imposing *primâ facie* case with regard to the operations of commerce, and to show that in consequence of the ignorance of private individuals there would always be over-supply here and a deficient supply there, and that it would be necessary to come to the help of the mother-wit of the parties engaged in these operations, and to teach them what to bring to market. But it would be just as futile to teach parties to what market they had better carry their talent; and, if you so arrange your public service as to open it with the greatest freedom, that will be the best mode of regulating the number of applicants for office, and you will reduce to a fifth or a tenth part the present number of disappointed persons who are soliciting you for offices. Just so with regard to men who are said to be above their work. The right hon. Baronet says, you want men who know a little arithmetic, a little history, and a little French; but, I utterly demur to the doctrine of the right hon. Gentleman, who speaks as if a clerk were a fixed quantity in all cases. There is nothing, for example, more different than the duties and qualifications of a clerk in the Custom-house and a clerk in the Foreign-office. The right hon. Gentleman forgets that we may hope to carry to a completion that which has made some progress—viz., the division between mechanical and intellectual labour. To effect that division is vital to every sound principle of reform in our public establishments. The question is, can you place a great mass of routine on one side, and of intellectual labour on the other? The state of the case with regard to political offices is, that the head of a department has now no sensible or perceptible interest in appointing a good man. I do not hesitate to state that. If the Secretary of State for the Colonies, for example, appoints a good man as a clerk, the probability is that in three or four years he will leave the public service, because he finds himself yoked unequally with men inferior to himself. I speak of the Colonial Office as it was. I believe it is better now, but the general effect of the system is to equalize the good, bad, and indifferent. Your public servant finds himself doomed to a life of mediocrity—to a life of dissatisfaction and discontent, which is, indeed, the chronic state of the civil service. I want to know whether the discontent of the civil service is not a serious matter for consideration? You cannot say the same of other professions—of lawyers and physicians for example. Particular lawyers are discontented, no doubt; but you cannot say this of any particular class except the civil service; and why? If a man goes into the profession of the law, he does it of his own will—he is responsible to no one—he only asks a clear stage and no favour. There are cases where the claims of private interest, no doubt, make themselves felt; but the basis is just, and, whether a man is fortunate or not, he has no title to complain. But why is it that in the civil service alone the whole mass of the members are in a state of discontent? The documents which they themselves have presented to the Government contain this broad assertion, that they feel themselves wronged and aggrieved by the standard of remuneration they receive; and therefore that they are discontented is, I think, as plain as the sun at noonday. Is it a fact that, taking the civil service as a whole, the public pays worse than other employers? I am not now speaking of the higher places, but of the middle and lower ones—from 100*l.* up to 500*l.* or 600*l.* a-year—and I do not hesitate to say, taking the average of those situations, the public pays better than other employers; but if the public pay the good men not as well, the middling men nearly as well, and the infinitely bad men more than they deserve, then the good men have reason to complain. I do not believe you pay good men as well as they ought to be paid, and, moreover, you never will be able to pay them as well as they ought to be paid, without injustice to the public, until you devise more effectual means than you now have in operation of distinguishing between the good and the bad. The right hon. Gentleman fairly admitted that two great evils consist in the system of promotion by seniority and the system of irremovability. I do not think you can do much with respect to irremovability. It is easy on paper to lay down the doctrine that every civil servant ought to be removable at pleasure; and no doubt that is the tenure on which they hold office. But when the cruel question comes between a man's comfort and subsistence on the one hand, and his ruin and beggary on the other, together with the influences which are brought to bear, the imperfect information possessed, and the transitory tenure of place by the heads of political departments, it is vain to trust for efficiency to the last remedy of removal. It is like adopting the principle of Draco's laws, and having none but capital punishment even for the smallest offences. The right hon. Gentleman also says the system of promotion by seniority is a great evil; and in that I agree with him. I entirely agree that the whole question of admission is a secondary question, except as connected with promotion. But has not the evil of promotion by seniority been in full view of our statesmen for generations, and has not every contrivance to counteract it—in all except one or two cases—been a total failure? When that is the case, it becomes wise men to consider whether they cannot devise something of a simpler, broader, and more searching character to lay the axe home to the root of the evil. I say the reason why you cannot escape from promotion by seniority is this—because the basis of admission is not personal merit and desert, but favour and nomination, and you cannot make it intelligible to a man who comes in by favour and nomination that he is to rise by merit and desert. Let him come in by merit, and then I think we shall have reason to hope that promotion by merit, which is now adverse to the general feeling of these establishments, will be recommended by them. That is the real obstacle to promotion by merit, and the real support which has prevented promotion by seniority from breaking down. The fruit of the evil lies in nomination. The cure will be in the abolition of nomination, and, with the introduction of merit as the basis of admission, you will obtain the recognition of merit as the proper basis for promotion. I must confess, if there is one thing more than another which makes me desire to see a change in the system of nomination, it is because I believe it would be an answer to the arguments of the right hon. Gentleman. The man who is the best man now may not be the best man twenty years hence. That is true in a great majority of cases. The rates of progress in the human mind are infinitely varied, and what you want is a ready choice in each step of the scale. You cannot have that unless the feeling of the service is in favour of promotion by merit, and you cannot have that feeling if you leave admission to nomination without merit. We hear a great number of remedies set forth from time to time. Some people put forward the notion of an exclusive right of succession to the higher offices. I am quite sure those who have had experience will decline to recognise any such law as that. Then, it is said, if greater publicity were given to the exertions of those public servants, the service would be much more effective. It is more easily said than done. The productions of a Secretary of State's office are the joint result of many minds. The getting up of particular cases, the discussion of them, the bringing them to bear from one quarter and another, and finally embodying them, as the views of the Minister, in a document which proceeds from his office, are matters which hardly ever admit of being exhibited to the public in such a way as to enable the public to distribute praise and blame in the proportions in which they are due. But, above all, I must on this and on every occasion enter my protest against the supposition that the only thing we have to do is to increase the pay. The wholesale increase of pay in the civil service would be wholesale injustice to the public. If you want to remedy the evil of not being able to pay the best men well, you must do that by bringing the best men more clearly into view and insuring more rapid promotion, which will be equivalent to a very large increase of remuneration in these offices. There are a great number of objections made to this plan of my hon. Friend. Many object to it as a new-fangled system, unsuited to the genius of the country. With respect to that, I will only say that we have been constantly busied for generations past in the introduction of multifarious improvements into the social and political system, with regard to almost all of which the objection that they were unsuited to the genius of the country has been used. Fifty years ago the system of competitive examinations for fellowships in the Universities was thought very little adapted to the genius of English institutions. But how has it worked? What sort of men has it given us? We are told examination is a system of cramming. I say cramming is the besetting vice of examination; but, on the whole, it has been found practicable to adapt the system of examination to the exigencies of every case, and it has resulted in giving an excellent class of men for the purposes for which you want them. It is said you have no security for the moral character of those who come in under a system of free examination. A system of examination, in my opinion, is unsuited to the more advanced periods of life, and to the higher offices; but, with regard to the talents and merits of men of nineteen or twenty, in nine cases out of ten you find out what they are worth by means of examination; and, moreover, experience proves that almost invariably it is a fair test of moral as well as of intellectual character. My hon. Friend said he had been deceived by testimonials. So have I, over and over again; but the truth is, this is exactly the case in which testimonials may be trusted. It is a curious circumstance that, if there is one class of testimonials to be relied on, it is this class; because young men who come fresh from the hands of their tutors and schools bring testimonials from their tutors and schoolmasters, and they take pretty good care what testimonials they give, when their reputation, and even their livelihood; may depend upon it. I am not responsible for the proposal which my hon. Friend has made. He has acted upon his own judgment with respect to the particular Motion which he has recommended to the House in a speech as wise as it was amusing, and which has been seconded in a very able speech by my noble Friend near me. Judging from the course of this debate, I feel a strong persuasion this question is making way—I may say, is making rapid and steady way—in the feelings of the House. I know very well there exists—it was to be expected there would exist—a good deal of honest prejudice on the subject. I am sure continued discussion is all that is wanting in order to come at the real truth and merits of the case, and I am satisfied the more you come at those merits the more you will be convinced of the danger of the evils attending the present state of things; that those evils are extremely weighty and serious, and that we have it in our power at once to apply an effective remedy and to secure a much greater amount of efficiency to the public service, with much greater satisfaction to the country at large.

Mr. TITE congratulated the House on an expression by the right hon. Gentleman who last spoke, to the effect that this question was making progress. He recollected on a former occasion the hon. Member for Hertfordshire stated that the movement on this question was directed against the present Government, and that it commenced within something like a fortnight after the noble Viscount at the head of the Government assumed the reins of administration. That was a mistake both in matter of time and in matter of fact. He believed that the formation of the present Government dated from the 23rd of February; and the first meeting for administrative reform did not take place until the 5th of May. The administrative reform movement was not a political movement, or aimed in the least degree at the Government; but was simply brought about by the disclosures before the Sebastopol Committee. What the administrative reformers desired was not any such interference with the Government or the patronage of the Government, as some hon. Gentlemen seemed to imagine, but simply an examination of candidates for initiatory appointments—not in the dead languages, but a practical examination; and after that, it was not desired to interfere with the practice of rewarding old servants by advancing them according to their merit. He accepted the declaration of the Chancellor of the Exchequer, thinking that the difference between the motion and what the Chancellor of the Exchequer proposed was not very great, and, under these circumstances, he thought it would be wise not to divide the House, as every one appeared to be desirous that administrative reform should prosper.

Viscount PALMERSTON: I think it may safely be said as the result of the discussion that has taken place, that all parties are agreed as to the object we ought to have in view, that object being the filling of the different offices of the Government with fit and capable men. The difference between us arises upon the method by which that object is to be accomplished. And I must in the first place say, that I think a great deal of unjust clamour has been raised with regard to the efficiency and conduct of those persons who belong to the different departments of the State. It has been the fashion to say that the different departments of the State are filled by men incompetent for, or neglectful of, the duties they have to perform. Now, it often happens that somebody goes into a great public office with some application or request that is perfectly inadmissible, and contrary to all the rules of the service to which it applies. When he finds he cannot obtain what he wants, this person goes away in disgust, and runs about the town declaiming against the insolence and incompetency of the clerks of the department—the fault lying all the while with his own application, and not with the manner in which it has been received. Now, though I think we are all agreed as to the object in view, I must say I think that object has been a little forgotten by those who have taken part in this discussion, and that arguments have been used which I do not think exactly those upon which the question ought to be decided. There can be no doubt that it is of the utmost importance to the public interests that the different departments of the Government should be filled by competent persons; but I cannot go along with those who think that the main or one of the principal reasons to be alleged in support of that object is, that Members of Parliament may be relieved from the trouble of corresponding with importunate constituents applying for places under Government. No doubt there is a great inconvenience; and it is the more inconvenient, because I am sure that those who have suffered under it will agree with me in saying, that these importunities are the most frequent and persevering on the part of those who are, perhaps, the least entitled to the offices they wish to obtain. But I think, at the same time, that hon. Members ought to relieve themselves from that inconvenience by the exercise of a little firmness and decision; and I am sure that those who adopt that method will find that they rest not the less well with their constituents for the course they may pursue. Again, we are told that another reason why we should adopt this principle of open competition in preference to the system of nomination, is to avoid the claims arising from the value of long service in different departments, and the principle of seniority. Now, it seems to me that the inconvenience it is sought to avoid would be very much increased by the proposal which is made to open the offices to competition. I am supposing that that would follow which is the object of those who propose this system. We are told that the effect of the setting up of offices to be contested for in examination by all who chose to present themselves, would be, that all the inferior offices and the first nominations would be filled by young men of great and remarkable ability. But if all the lower offices were filled by men of great and remarkable talent, how would the system of promotion be in any degree accelerated, or how would those who belong to the offices be relieved from the disappointments attending the waiting for promotion by seniority? When there are in an office a certain number of persons remarkable for talent and ability, and a number who are not, then, no doubt, the principle of selection sets aside the principle of seniority, and you take out the man who is most distinguished, and put him into the next class; but when all the men in an office are nearly equal in capacity, then it is plain that you are driven necessarily, more or less, to the principle of seniority, and that the promotion in that office will proceed as before. Now, it is said again, I think, that the present system of appointment by selection creates great disappointment. No doubt, there are a great number of persons who pass their lives, as has been said, in repeated applications for offices to which they are by no means qualified, and to which they do not attain; but what would be the extent of disappointment if every young man who thought he had talent for a public office were to come up to be examined, to record his fitness, and to wait for an expected vacancy in which he might be placed in competition with those who came up to be examined along with him? In that case you would have a great many more disappointments, with only this difference, that those who were disappointed would be disappointed by reason of justly awakened expectations. It seems to me, therefore, that you would have a greater amount of disappointment, that the promotion in your departments would not be at all more rapid than it is, and that the only result would be that you would have a great number of young men coming into the public offices who would get disgusted at the length of time they would have to pass in inferior offices, and would quit the public service altogether for the more alluring temptations offered by private enterprise and commerce. I think that the system which has been established, of rigid examination of persons selected by the heads of departments, is that which appears most likely to conduce to the efficiency of the public service. I quite agree with those who say that examination is a real test of capacity. There is not doubt also that examination is sometimes only a test of memory; but, on the whole, it is the best test you can have of the general capacity of an individual. It has been said by the hon. and learned Member for Cork that a public examination would not at all disarrange the examination, or prejudice the person being examined; but I think, on the contrary, with my right hon. Friend the Chancellor of the Exchequer, that interruption would arise from a great concourse of spectators during an examination, which would tend to disturb the operations of the mind; and when the person who is examined ought to have the whole of his faculties intent upon the work he has before him, he would be disturbed and put into an unfair position by the presence and interruption of strangers. Then, again, these examinations being chiefly written examinations, there would be nothing of which a stranger could be a judge; and so I am not all in favour of a public examination. I would entreat the House to content themselves, for the present at least, with the arrangement which has been very recently established. I do not mean to say that the principle of competition might not be practically introduced to some extent; for instance, when the head of a department has several candidates for one vacancy, and all of whom he thinks likely to suit, he may examine them all, and select the one who should then show himself to be the best qualified. I think, however, that it is highly important that the selection of candidates should rest with the person at the head of a department, who is responsible for the character and conduct of the persons he appoints; and if that selection is attended by an efficient examination to ascertain the competency of the individual, it seems to me that the efficiency of the public service will be secured. Now, there is one more difficulty which has been adverted to, and for which I confess I see no effectual remedy. Some persons argue that the highest offices in the departments should be invariably given to those who have risen from step to step within the departments. Others contend, on the other hand, that those higher and more important places should be given to persons taken from other walks of life, and who, from their eminent qualities, have shown that they were fitted for the important duties of the higher posts in the public service. Sir, it is exceedingly difficult—I may say, it is impossible—to adopt either the one or the other of these as an unalterable rule. In general, considering the great, the disheartening slowness of promotion through the public offices, and considering the very small interest of the occupations in which the persons in the offices are employed during the first year of their progress—during many years even—I do not think it is likely that you will find in those offices many men who will be altogether such as you could wish for those higher offices in question. Could such men be found, they would be undoubtedly the proper persons to be selected; but if you give the officers a monopoly of those appointments, you will not, I think, be always able to find persons altogether fit for those situations. But while we are endeavouring to find a method which shall induce young men of distinguished abilities to enter the public service, it must be borne in mind that, from the unavoidable nature of the business to be transacted in those offices, those young men will have to pass a great many years of their lives in occupations which not only give no development to the intellect, but, on the contrary, tend to damp and paralyse mental exertion; and that, therefore, those young men, if they have the qualities we expect of them, are very likely to quit the service before they have been long in it, for more profitable occupations in civil life—for occupations in which distinction and fortune are more easily and more rapidly attainable. But, Sir, upon the present Motion I can only say this, that it is the anxious desire of Her Majesty's Government so to arrange a system of examination as to secure the appointment of competent persons to the different departments of the State; and I should hope the House would, at all events, give the arrangements which have so recently been established a fair trial, which as yet they have not had. If, next year, it should appear that our arrangement has not been successful, it will then be for any hon. Member, who shall think it had failed, to suggest any other method which he may think likely to be better adapted to attain the end in view. I should hope, therefore, that the House will agree with the proposition of my right hon. Friend the Chancellor of the Exchequer.

MR. V. SCULLY, in reply, said, he thought the discussion of the question had been very satisfactory, for the speeches of the noble Viscount near him (Lord Goderich) the hon. Member for Dudley (Sir S. Northcote), and the right hon. Gentleman the Member for Oxford University, had well "ventilated" the subject. He had expected the hon. Member who represented the Administrative Reform Association ("Hear," *and laughter*)—he meant Bath (Mr. Tite)—would have appealed to the noble Lord at the head of the Government to withdraw his opposition to the Resolution, but he (Mr. Scully) was assured by Friends near him that the appeal was addressed to himself. When that hon. Member had been longer in that House he would learn there were better ways of dealing with a great question than by becoming its bellows-blower for anybody. The objections to the Resolution had not been very formidable, and he should endeavour to meet them. The noble Lord said that Members might relieve themselves of the inconvenience arising from applications for appointments by exercising a little discretion and firmness. He (Mr. Scully) knew of no mode to avoid those inconveniences but either to carry his Motion, or to walk over to the other (the Opposition) side of the House. The wording of his Resolution had been criticised, and it had been said he proposed no qualification at all; but that was not so. He proposed that appointments should be made, having regard to the superior qualifications for the duties of the situation, and he also proposed that the examinations should be public. The arguments of the noble Lord against public examinations would apply to the examinations for the Indian service, which had been established by a recent Act of Parliament. To be consistent, either that Act should be repealed or the present Motion agreed to. He had never proposed a mere literary examination, but one which should be a true test of fitness for office. The right hon. Member for Oxford University (Mr. Gladstone) had referred to the difference of acquirements necessary for clerks in the Customs and for clerks in the Foreign Office. He (Mr. Scully) happened to have an official list of appointments made by the present Secretary of State for Foreign Affairs (Lord Clarendon), during the six months from 1st April, 1854, and he would now read from it literally and consecutively eight young gentlemen with from three to five names each—

"Thomas Villiers Lister, Henry Percy Anderson, Charles Stuart Aubrey Abbott, Philip Henry

Wodehouse Currie, Greville Richard Vernon, Henry Crichton Stuart, Francis Stanley Maxwell Stephens, Henry Arthur William Hervey, Harry S. C. Clarke Jervoise."

He could go into the family history of some of these gentlemen, but that would be invidious, and he would not do so. He believed, however, that many of their numerous appellations (as various as those of Grandees in Spain) would be readily recognised in connection with high Government officials, or with Government Members of either House of Parliament. The question, after all, was, were these gentlemen selected because they were the fittest for the offices they held. Those who believed that men were selected for office on account of their qualifications would vote for the continuance of the present system, and those who thought a better could be introduced ought to vote for his Motion. As a tolerable illustration of the existing system, he might refer to a letter which he had received from a gentleman at whose instance he had recommended for a small local office under Government. This gentleman said—

> "Many thanks for your prompt and kind attention to the recommendations which I and your friends here have made to you on behalf of A. B. It is humiliating to be obliged to ask a Government for so small a favour. The situation is only 10*l.* a year."

To that he (Mr. Scully) replied—

> "I should not wish you to suppose that I have asked the Government for appointments in the public service as favours to me or my constituents. I have simply demanded them as rights belonging to deserving Irishmen, but imposing no obligations of any sort."

He had also in his hand an application from a gentleman in the following terms—

> "The Rev. A—— B—— is about looking for a church living now vacant in the county of Cork, in the gift of the Crown. If you can do anything for him with the Government, without going under a compliment to them, he deserves anything that can be done, and you would always find him a supporter."

He was sorry he had not been able to do anything for that gentleman. A common complaint was that there were a class of Members who did not get a fair portion of what was going, while there was another class of Gentlemen who got more than their share. As he had already observed, he believed that all the valuable appointments in the civil service were practically treated as private patronage belonging to leading Government officials, such as heads of departments, Cabinet Ministers, and others, for which no independent Member, especially no Irish Member, need apply; and it was under some such impression that he had taken the very great liberty of addressing, on the 7th of February last, a letter to the noble Lord at the head of the Government, as follows—

> "My Lord—Observing that Her Majesty has confided to you the formation of a new Administration, I avail myself of the opportunity to direct your attention to the circumstance that among the many Members of the late Cabinet there was not one Irishman, and to the further fact that, though a quarter of a century has elapsed since the so-called Emancipation Act, no Roman Catholic has hitherto been admitted to a seat in the Cabinet, but that a large section of the Queen's subjects has remained unrepresented in the Government, and as effectually excluded as ever."

For reasons he had formerly referred to, he would not produce any answer to this letter. However, on the 23rd of February he wrote this letter to a certain right hon. Gentleman closely connected with the present Government—

> "Dear Sir—On the 7th instant I addressed to Lord Palmerston the letter of which a copy is inclosed. The recent secessions from the Cabinet afford another opportunity for giving some practical effect to its suggestions. Perhaps you will now consider it desirable to bring them formally under the personal consideration of his Lordship, whose political confidence I presume you enjoy as fully as you are entitled to do from your relative position and long official connection."

He was sorry that he was not in a condition to give to the House any answer to this letter. In conclusion, he hoped the hon. Member for Bath would excuse him for not complying with the request he had made, and he hoped the noble Lord would withdraw his opposition, and allow the Motion he had made to pass unanimously.

Question put:—

The House *divided*:—Ayes 125; Noes 140: Majority 15.

List of the AYES.

Adair, H. E.
Adderley, C. B.
Alexander, J.
Anderson, Sir J.
Annesley, Earl of
Antrobus, E.
Archdall, Capt.
Ball, E.
Baldock, E. H.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Bell, J.
Bland, L. H.
Brady, J.
Brocklehurst, J.
Byng, hon. G. H. C.
Clay, Sir W.
Cobden, R.
Cogan, W. H. F.
Colvile, C. R.
Cowan, C.
Crook, J.
Crossley, F.
Dashwood, Sir G. H.
Dering, Sir E.
Dillwyn, L. L.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, G.
Dunlop, A. M.
Ebrington, Visct.

Esmonde, J.
Ewart, W.
Ewart, J. C.
Fagan, W.
Farnham, E. B.
Fenwick, H.
Ferguson, J.
Fergusson, Sir J.
Forster, C.
Fortescue, C. S.
Gallwey, Sir W. P.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Gordon, hon. A.
Graham, Lord M. W.
Greenall, G.
Greene, J.
Grenfell, C. W.
Greville, Col. F.
Gwyn, H.
Hadfield, G.
Hankey, T.
Hastie, Alexander
Hastie, Archibald
Heard, J. I.
Hervey, Lord A.
Heywood, J.
Hindley, C.
Hutchins, E. J.
Jackson, W.
Keating, R.
Kennedy, T.
Kershaw, J.
Kinnaird, hon. A. F.
Knox, Col.
Langton, H. G.
Laslett, W.
Lindsay, W. S.
Lowe, R.
Lushington, C. M.
MacGregor, Jas.
M'Mahon, P.
Maguire, J. F.
Mangles, R. D.
Meagher, T.
Miall, E.
Michell, W.
Murrough, J. P.
Northcote, Sir S. H.
Oakes, J. H. P.
O'Brien, P.
O'Connell, D.
O'Flaherty, A.
Oliveira, B.
Otway, A. J.
Parker, R. T.
Pechell, Sir G B.
Pellatt, A.
Phillimore, R. J.
Pigott, F.
Pilkington, J.
Pollard-Urquhart, W.
Repton, G. W. J.
Ricardo, O.
Rich, H.
Roebuck, J. A.
Russell, F. C. H.
Russell, F. W.
Sadleir, James
Sadleir, John
Scholefield, W.
Scobell, Capt.
Scully, F.
Seymour, W.
Shafto, R. D.
Smollett, A.
Stanley, Lord
Stuart, W.
Sullivan, M.
Sutton, J. H. M.
Talbot, C. R. M.
Thompson, G.
Thornhill, W. P.
Tite, W.
Tollemache, J.
Vivian, H. H.
Walcott, Adm.
Wells, W.
Whatman J.
Wilkinson, W. A.
Williams, W.
Wise, A.
Yorke, hon. E. T.

TELLERS.

Scully, V.
Goderich, V.

CALL OF THE HOUSE.

MR. ROEBUCK rose, pursuant to notice, to move, "That this House be called over upon Tuesday, the 17th instant." He would consult the convenience of the House by being as brief as possible. He thought his Motion would commend itself to every Member who considered the question he proposed to bring before the House on Tuesday next to be an important one. It was a question which concerned the present Administration, the conduct of a large body of political men, and the interests of the army. It was for the interest of the army that its affairs should be properly watched over. A Committee of that House had been appointed to inquire into the conduct of those whose duty it was to minister to its wants. That conduct had been condemned by the Committee so appointed, and he wanted to ask the House whether they agreed with the Report of the Committee. A more important question could not be put to them, and, considering the circumstances under which he put it, he thought he should best discharge his duty by moving for a call of the House.

MR. HADFIELD seconded the Motion.

Motion made, and Question proposed, "That this House be called over on Tuesday next."

LORD WILLIAM POWLETT did not rise to object personally to the Motion, though he believed it would be perfectly inefficient for its purpose. If carried, an hour and a half or two hours would be wasted on Tuesday evening; and, though hon. Members would be obliged to attend to answer to their names, the hon. and learned Gentleman would be unable to secure their presence at the division. If a Member was not present, he would only be ordered to attend in his place on some future day. He hoped the Motion would be withdrawn.

LORD SEYMOUR concurred in the observations of the noble Lord, believing that the Motion, while it would not effect the object for which it was intended, would put many hon. Members to great inconvenience. There was, undoubtedly, a large number of Members in town at present; but a few were absent, some attending to the duties of the militia, others upon matters of more or less importance and urgency, and it must be inconvenient to those Gentlemen to be brought back to London at this time. He also thought that the notice was most unusually short. To have a call of the House a very few days after the Motion was made, appeared to be unfair to those hon. Members who were absent from town. It had been the custom to give ten or eleven days' notice. But what would happen when the call took place? The hon. and learned Gentleman wished to have a large division; but he would not accomplish that object by this Motion, because, hon. Members having stayed in the House for an hour or two, and answered to their names, would go away as soon as the call was over, and, very probably, would not be present at the division. Moreover, by occupying a considerable portion of time, the call would probably lead to the adjournment of the debate; and, seeing that two notices of Motion had been given, both of which were, in fact, notices of want of confidence in the Government, and that one of them was to be taken up on Friday next, when, judging from former precedents, the discussion would be adjourned—thus rendering it doubtful whether or not the Motion of the hon. and learned Gentleman could be taken on the day proposed—it seemed to him that the effect of the latter was very much impaired by the great importance of the Motion of which notice had been given that evening; and that it was therefore unnecessary to proceed with the proposition now before the House. He had observed, that a call of the House was always given up when the evening arrived; generally, indeed, it was a mere delusion; and he would suggest to the hon. and learned Gentleman whether, considering the large number of Members now in town, and the great inconvenience he would cause to those who were compelled to be absent, it would not be better to depart from his intention to have a call of the House.

Mr. HADFIELD supported the Motion. It was not right that half the Members should be absent on such an occasion; he therefore considered, that at the present juncture the Motion was a proper one; its object was to bring the representatives of the people together for the purpose of giving an opinion upon a most important question, and he hoped his hon. and learned Friend would take the sense of the House upon his present Motion.

Mr. WORTLEY hoped that the hon. and learned Member for Sheffield would not press his Motion to a division. His proposition, if carried, would put a number of hon. Members to great inconvenience. The appearance of the House showed that there were plenty of Members in town, and if, as he conceived, the Motion to be brought forward on Tuesday next was an important one, there would sure to be a good attendance. Looking to the present circumstances and to the history of Motions of this sort, which had turned out to be utterly futile, he saw little use in pressing this Motion to a division.

Mr. ROEBUCK said, that he was very sorry to give the House any trouble, but he thought he should be able to show them good reasons for the course he proposed. The noble Lord the Member for Totness

Lord Seymour

(Lord Seymour) had said, that the time was too short, but he (Mr. Roebuck) found in *May's Law and Practice of Parliament*, under this head, that—

> "When the House of Commons is ordered to be called over, it is usual to name a day which will enable the Members to attend from all parts of the country. The interval between the order and the call has varied from one day to six weeks."

Now, if that was the rule at a time when the means of communication were not so rapid as at present, when there were no railroads and no electric telegraph, he thought that, considering the distance had been lessened by railroad, and that time might be lessened also, seven days was quite enough between the order and the call. The authority he had cited proceeded:—

> "If it be really intended to enforce the call, not less than a week or ten days should intervene between the order and the day named for the call."

He, therefore, thought that he had followed very accurately the rule laid down. He would state candidly the reason why he made this Motion. It had been mentioned to him more than once, that attempts had been made—he would not say by whom, but the House would very readily understand by whom—to persuade Members to leave town. On that ground, appealing to ancient precedent, and taking his stand on the ancient practice of the House, he had proceeded to give notice of the present Motion. It was the only defence he had against the artifices of those who wished to deprive him of the means of testing the opinion of the House upon his Motion which stood for Tuesday; and, when hon. Members told him that he was harassing other hon. Members, and that at the same time it would be of no avail, he did not think they were stating that which was quite correct. If Members were brought into the House, the importance of the question would keep them there; but, if they were subjected to the influences to which he had alluded, the question would be robbed of its due support, and the country would also be robbed of the expression of opinion of hon. Members upon it. It was on those grounds, and not because he wished to annoy any hon. Member, that he made his Motion. He desired that this great question—for a great one it was—should have that consideration which it demanded, and that the House should carefully decide on the fate of a great army, and upon the conduct of that Administration whose duty it was to watch over that army. He therefore confidently appealed to the patriotism of the House, as the representatives of the people, to grant him the call which he asked, and then to take a constitutional mode of securing the attendance of hon. Members on the occasion in question.

Question put:—

The House *divided*:—Ayes 108; Noes 133: Majority 25.

House adjourned at a Quarter after One o'clock.

HOUSE OF LORDS,

Wednesday, July 11, 1855.

Their Lordships met; and having gone through the Business on the Paper,

House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, July 11, 1855.

MINUTES.] PUBLIC BILLS.—1° Inverness Bridge; Navigation Works (Ireland); Grand Juries (Ireland) (No. 2).

LONDON WRIT—BARON DE ROTHSCHILD.

MR. WALPOLE said, he rose to move that Baron Lionel de Rothschild should be at liberty to appear by counsel on Monday next before the Select Committee, now sitting up stairs, on the London Writ. The reasons which induced him to make the proposition were these. When the Committee came to consider the question, they found they had some evidence as to circumstances, and some as to facts, respecting the supposed contract or loan which Baron de Rothschild had entered into with the Government, and they would, of course, have to deliberate upon a question of law. As Chairman of the Committee he had received a letter from Baron de Rothschild requesting that he might be heard by counsel. That application had been very much discussed, and the Committee were of opinion, that inasmuch as Baron de Rothschild's seat might be affected by the Report they would have to submit to the House, it would be more satisfactory that he should be heard in the manner in which he thought his interests might best be promoted. The Committee, nevertheless, had had considerable difficulty in coming to that conclusion, as they felt that by hearing counsel on the one side and not on the other, they would not be in a position in which the inquiry might best be conducted. At the same time, the application of Baron de Rothschild appeared so reasonable that the Committee consulted Mr. Speaker as to the course of proceeding they ought to adopt, and he was good enough to furnish them with a precedent in the case of the late Mr. O'Connell. Mr. O'Connell had been returned, but was unable to take his seat because he could not take the Oath of Supremacy, and he applied to be heard by counsel. He was heard by counsel; but it was at the bar of the House. The difference in the two cases was, that Mr. O'Connell applied to be heard at the bar, and Baron de Rothschild before the Committee. There was no doubt whatever, he believed, that the House might adopt either course, or delegate its authority to the Committee. As Chairman of the Committee, he did not wish to express any opinion. He simply made the Motion; it being, however, the opinion of the majority of the Committee that the request of Baron de Rothschild should be complied with.

Motion made, and Question proposed—

"That Baron Lionel Nathan de Rothschild be at liberty to appear before the Select Committee on the London Writ, by his Counsel and agents."

SIR FREDERIC THESIGER said, he disclaimed the slightest wish to prevent Baron de Rothschild being heard by counsel upon a matter so nearly concerning his rights and interests; but he entertained very considerable doubts as to whether the course proposed by his right hon. Friend the Member for Midhurst was the correct one; and whether, if Baron de Rothschild was to be heard by counsel, he ought not to be heard at the bar of the House according to precedent. Just let the House consider what were the functions of the Committee to whom the question was delegated. The House might remember that he (Sir F. Thesiger), from the first, opposed sending the matter to a Committee. The House had sent the matter to a Committee, but he did not understand that it had delegated its authority to the Committee in the sense that the Committee was finally to decide the question, because he apprehended the Report of the Committee must come back to the House for its decision upon it. His right hon. Friend applied for Baron de Rothschild to be heard by counsel before the Committee. Of course the Committee would be considerably influenced by the arguments of counsel, and it would report its opinion with regard to the question; but, at the same time, the House had not delegated its authority to the Committee, nor would the House be bound by the Report of the Committee. Well, then, if the House took upon itself to decide that Baron de Rothschild should be heard by counsel before the Committee, Baron de Rothschild might fairly complain that his case had not been fairly heard by the House, but by the Committee. The House would not have heard the arguments, and would have no opportunity of deciding on such arguments. He therefore thought, as the rights and interests of Baron de Rothschild were materially involved in the matter, that he ought to have every opportunity of being heard fully upon a question which so materially concerned him. If he was heard by counsel before the Committee, he might claim to be again heard at the bar of the House. The most practical course, therefore, in his opinion, would be for Baron de Rothschild to present a petition to be heard by counsel at the bar. He, therefore, begged leave to move, as an Amendment, that Baron Lionel de Rothschild be at liberty to be heard by counsel at the bar of the House.

Amendment proposed, to leave out the words "before the Select Committee on the London Writ," and insert the words "at the Bar of this House," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir GEORGE GREY said, he did not think that the hon. and learned Member (Sir F. Thesiger) had correctly stated the object for which the reference of the question had been made to a Committee; which was not as to Baron de Rothschild having forfeited his seat by entering into a contract with the Government, for many Members had entered into such contracts, and their right to retain their seats had never been questioned. It was clear that a question of law, as well as of facts, had been referred to the Committee.

Mr. ROBERT PHILLIMORE said, he should support the Amendment. There were many hon. Members who, not having leisure or inclination to weigh the force of the legal arguments for themselves, would defer entirely to the verdict of the Committee; and it would therefore be far better that those legal arguments should be offered in the House, where there would be hon. and learned Members to answer them, if they thought it necessary to do so.

The LORD ADVOCATE said, he thought the proposal that Baron de Rothschild should be heard by counsel before the Committee just, on two grounds; first, it was just to Baron de Rothschild; and, in the next place, it would tend much to the elucidation of the legal difficulty. He trusted the House would accede to the inquiry, because if it should turn out that the Committee came to the conclusion that the Baron de Rothschild had forfeited his seat, he might fairly complain that he had not had an opportunity of stating such views to the Committee as would have induced them to alter their report.

Mr. HEADLAM said, he was of opinion that the best course for the Committee to be directed to pursue was, to report upon the facts, and let the House itself once, and for all, have the question argued by counsel at the bar. If there were no technical difficulty to that course, he would throw it out for adoption.

Lord SEYMOUR said, if the House should determine to hear Baron de Rothschild through his counsel at the bar, it would be much better to take the whole matter into its own hands, to discharge the order for the Committee, to proceed at once to hear counsel at the bar, and then decide on the question.

Mr. MASSEY said, he thought it just, that as the seat of Baron de Rothschild had been impeached, he should be heard by counsel. The course suggested of hearing counsel at the bar would be beset with difficulties, and he could see no valid reason for resisting the inquiry asked for by the right hon. Member for Midhurst.

Sir FREDERIC THESIGER said, his only object was to ascertain the wish of the House as to the precise course to be pursued, and if the House thought it preferable that Baron de Rothschild should be heard by counsel before the Committee, he would withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Ordered, That Baron Lionel Nathan de Rothschild be at liberty to appear before the Select Committee on the London Writ, by his Counsel and agents.

CHURCH-RATES ABOLITION (No. 2) BILL.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. FOLLETT said, it was his intention to move, as an Amendment, that the House resolve itself into Committee on the Bill that day three months. If he thought that this Bill was calculated to relieve individual consciences from anything like religious intolerance or oppression—if he thought it was calculated, really to add anything in any way to the religious liberty of the people, he would most willingly, and anxiously support it. But he did not think so, and it was because he believed the measure before the House was a political, rather than a religious question, that he ventured to intrude upon the House. He looked upon the measure as the first and main step towards the destruction of the Established Church, and as one of many measures which, from time to time, had been brought forward to alter the institutions of the country in a manner which, he was thoroughly convinced, would be prejudicial to the political, as well as the religious liberties of the people. He considered that it was his duty to move the Amendment of which he had given notice, in consequence of the extraordinary course which Her Majesty's Government had thought fit to pursue. The principle of the Bill was the total abolition of church-rates, and the substitution of nothing in their stead; and upon every occasion during the last twenty-years, when that question had been raised, every Government, until the present, had opposed it. Every Gentleman holding a prominent position in the Government had opposed it on former occasions, and he was, therefore, astonished when he found that every Member of the Government, present at the division, with the exception of three, voted for the introduction of the present Bill. He had been told that the course he was taking, in opposing the further progress of the Bill at this stage, was rather unusual. The extraordinary course which the Government had taken, with reference to the question, was his reason and his excuse. Relying on the opposition of the Government to the measure, the subject had been fully discussed in its former stages, and he was therefore desirous that the question should be brought under the deliberate consideration of the House. There was no mistake about the principle involved in the measure, namely, the destruction of the Established Church as a State Establishment, and the substitution of the voluntary principle. Upon a measure identical in principle, with the present Bill, the noble Lord, whom he was sorry not to see in his place (Lord J. Russell), stated clearly and distinctly his view of its object, and its inevitable result. In replying to the speeches of the hon. Member for Manchester (Mr. Bright) and the hon. Member for Southwark (Mr. Pellatt), the noble Lord last year made use of the following, among other expressions—

> "We have heard to-day, as we have heard upon former occasions, that this is a question of principle, that it is a question between an establishment and the voluntary principle, and that this is only one part of the proposal of those who wish us to exchange establishment for the voluntary principle."

Again, he said—

> "They cannot expect me to consider it as an inducement to vote for this Bill, that it will lead me, step by step, to that total destruction of the Established Church which I deprecate."

Again, he said—

> "We have a National Church, we have an hereditary aristocracy, we have an hereditary Monarchy, and all these things stand together. My opinion is, too, that they would decay and fall together. * * * I must, therefore, oppose this Bill, as, in my opinion, tending to subvert one of the great institutions of the State."—[3 *Hansard*, cxxxiv. 469, and 475.]

The noble Lord stated, moreover, that it was the duty of the Government to bring forward a measure to amend the law and to get rid of the difficulties which now surrounded the question, and in the face of the House and of the country he pledged himself not to allow another year to pass without introducing a measure which, he trusted, would satisfy all parties. When such were the sentiments of the noble Lord—not expressed for the first time, but repeated again and again whenever the question had been before Parliament—he (Mr. Follett) felt justified in taking means to bring the subject once more under the deliberate consideration of the House. He was anxious to ascertain whether those opinions were still the opinions of the noble Lord, and, if so, how he continued to be a Member of the Cabinet which had encouraged a measure which only last year he had thus described. It was with astonishment he heard the speech of the hon. Member for Hertford (Mr. Cowper), who was put forward as the mouthpiece of the Government on the second reading of the Bill, and who so far as he could understand his arguments, approved of the principle of total abolition, and quarrelled only with the machinery introduced into the Bill by which the pew-rents intended to be levied by the Bill were to be distributed. And that astonishment was not diminished when he found the noble Lord at the head of the Government treating the question, not as one of importance and of principle, but as simply a question of the best mode of providing funds for the repair of parish churches, which he seemed to consider as national property, and stating also that it was not the duty of the Government to bring forward any measure to amend the law, but rather to leave the solution of the difficulty to the various projects of independent Members. The two noble Lords, were, therefore, at total variance on this subject, which one of them had declared to be so important, and yet, they were still Members of the same Cabinet. The question, as stated by the noble Lord the Member for the City of London, was neither more nor less than this — whether they were prepared to abolish the Established Church in this country, and to substitute the voluntary principle in its stead; and no reasonable man could doubt that that was the real question to be considered. When Lord Althorp introduced his measure on this subject in 1834, he fell into the error of supposing the objection to church-rates was founded upon the hardship to individual consciences; but the Dissenters totally repudiated this view of it; they said they did not want to be relieved from personal and individual difficulties—what they wanted was separation of the Church from the State—what they wanted was the destruction of the National Church, and nothing less than that would satisfy them. He must do the Dissenters the justice to say, that they had never concealed their object, they had always openly and manfully advocated those views, without disguise, and had never concealed that their object was to destroy the National Church as a State Establishment. In 1834, when these questions first began to be discussed in that House, Mr. Whittle Harvey—one of the most eloquent advocates of the cause? Said—

> "With regard to the separation of Church and State, if the Dissenters cannot effect it by the legitimate means of free and open discussion, they must effect it by influences appealing more powerfully to the interests of mankind. The Church will fall when it ceases to have revenues."

Mr. Follett

Could any one doubt, therefore, what the object of the Dissenters was in pressing forward such a measure? If the intention or object were merely to relieve Dissenters from a state of things affecting their individual consciences, the Resolution proposed by Sir William Page Wood would have most completely effected that object. And so entirely did his hon. and learned Friend succeed in persuading the House that such would have been the result, that the hon. Member for the West Riding (Mr. Cobden), voted for it, and against another Resolution for the total abolition of church-rates. But the late Mr. Hume, who was always consistent on this subject, voted against Sir William Page Wood's Resolution, because he said it did not meet the question, which was, whether there should be an Established Church in this country or not. And last year, when a similar measure was under consideration, the hon. Member for Southwark (Mr. Pellatt) put the matter beyond dispute, for he said—

> "This was no longer a Dissenting question, it was a question of civil politics. * * * It was not the function of the State to teach religion, and he believed it was only by means of the voluntary principle that religion could be effectually diffused."—[3 *Hansard*, cxxxiv. 427.]

Upon the same occasion, the hon. Member for Manchester (Mr. Bright) said—

> "He had never felt the slightest hostility to the Church as a religious body; but he opposed it as a religious institution, and he doubted very much whether it was of any essential benefit to the country."—[3 *Hansard*, cxxxiv. 461.]

And that hon. Member proceeded to tell the House how much better all those things were done in America upon the voluntary system. Nevertheless, in the face of all those proofs; notwithstanding the repeated assertions of those representing the dissenting interest of the object and intention, and necessary result of the measure, the hon. Baronet (Sir W. Clay), who year after year brought the question forward, told them, that the measure, so far from being prejudicial, would be advantageous to the Established Church. If the hon. Baronet meant to say it would not materially injure the Established Church as a religious body, he should be disposed to agree with him, because he believed that, as a religious body, the Church of England would always continue to exist in that and in every country where pure religion was esteemed. But if he meant that it would not affect the Established Church as a State Establishment, he entirely differed from him. The theory of the Established Church, as he understood it, was, that the State, selecting one religious body, endowed that body out of the property of the country with funds for its maintenance, for the preservation of its Churches, the maintenance of its Ministers, and the performance of its religious rites. The Church of England was endowed with church-rates and tithes. For those purposes, if church-rates and tithes were taken away, what remained of an Established Church? The hon. Baronet said, there was a great difference between church-rates and tithes, that one was a tax and the other a property. But, he must confess, that he did not see the distinction in principle between them. He granted that tithes were so valuable, that it was very improbable they would be abolished, as was proposed, with the smaller amount of church-rates; but if once they allowed the principle, that the Established Church was not to be kept up by compulsory charges out of the property of the country, it was impossible, in his opinion, to escape from this conclusion, as a logical consequence, that the principle of an Established Church was destroyed. Tithes, no doubt, were certain in amount, because the object was to provide something certain for the maintenance of the clergy. Church-rates were uncertain in amount, because the requirements to which they were applied were uncertain. But, when once the amount was fixed, church-rates were as much a charge on property as tithes, and originally every remedy to secure and recover the one was open to secure and recover the other. This view of the case was not confined to him, the hon. and learned Member for Sheffield (Mr. Roebuck) had stated the same principle. He had said—

> "There are many members of the Established Church who concede the principle that Dissenters should not be liable to these compulsory payments for the support of the Church; yet if that principle be acted upon and these compulsory payments are abolished, I should like to know what becomes of the Established Church. According to my notion of an Established Church, if it mean anything, it means a church supported by compulsory payments from all classes of the people."

And did the hon. Baronet (Sir W. Clay) think it would be beneficial to the Church thus to abandon the principle of an Established Church, or that it would not be prejudicial to her to have to contend for the future, not for an intelligible and well defined principle, but merely for how much, or how little of the property with which she was originally endowed, she should be permitted to retain for her maintenance. The question of whether the Established Church should be preserved, or whether the voluntary principle should be introduced into this country, was one of the very greatest importance. He was not there to question the right of those who dissented from the Established Church, or who considered a State Establishment an evil, by every legal and constitutional means, to get rid of the Church Establishment. The Church Establishment was an institution of the country, supported like any other institution by a majority of the people; a majority of the people might alter that, as they might alter every institution which now existed in the country. But whilst he was willing to grant to those opposed to him the most free use of their conscientious objections, he claimed the same right to express the conscientious opinion at which, after mature and anxious consideration, he had arrived, namely, that any measure which materially affected or injured the Established Church would be a measure of unmitigated evil, and of most prejudicial consequences to the best interests of the country. It had been said, that the Church had not done its duty—that it had not provided accommodation for the increased population of large towns—that it had, therefore, become useless, and had outlived its object—and that it ought to be abolished. Now let it be considered what was the duty of the Church in that respect. He challenged any Gentleman to point out by what law, out of what property, out of what funds, it was the duty of the Established Church to provide increased church accommodation. He said there was no law which compelled, or even permitted the Church to do so, and that there was no property which could be applied to the purpose, for every one knew church-rates were simply for repairs, and that for building new churches such rates would be illegal and informal. The Census returns furnish some figures, not immaterial to be considered on this subject. By these returns, in which the country was divided into town and country parishes, it appeared that country parishes contained something less than 9,000,000, and town parishes something more than 9,000,000 of people. The population in country parishes had not increased in the same extraordinary way as the population in large towns. In the country parishes, where the piety of our forefathers had erected churches far beyond the wants of the people of their age, there were 10,620 churches, with sittings for 3,300,000 people and upwards. In the town parishes there were only 3,457 churches, affording accommodation for 1,995,000 people; so that, in country parishes, where the law applied equally as in town parishes, they found almost enough accommodation provided by the Church as it existed, but in town parishes a great deficiency, owing to there being no property or funds except the voluntary contributions of the people, out of which the Established Church could provide increased accommodation for the increased population. It was calculated, that the accommodation which ought to be afforded for the Religious instruction of the people of this country was sittings, at the rate of 58 per cent of the population. Now, the census returns showed that the accommodation afforded by the Established Church, in conjunction with every other denomination of Christians, in several of the large towns of the kingdom, instead of being 58 per cent fell far short of that amount—for instance, it was, in Birmingham, only 28 per cent; in Finsbury, 29 per cent; in Halifax, 30 per cent; in Liverpool, 31 per cent; in Manchester, 31 per cent; in the Tower Hamlets, 25 per cent.; and in Southwark, 29 per cent. He had shown that there were no funds belonging to the Church to supply the increased accommodation required, and that it was not a question of church-rates, but one entirely of voluntary contribution amongst the people. Here was the voluntary principle, and how had it answered? In these large towns there were persons of enormous wealth who had amassed that wealth by means of the labour of the poorer inhabitants. It would be uncharitable to suppose that those wealthy persons had been so ungenerous and so unjust as to leave the population, by whose labours they had been enabled to acquire their wealth, without the means of religious instruction. In those large towns, there was, also, great religious competition amongst the different religious bodies, and he believed that in those towns the voluntary system had been carried into effect under the most favourable auspices. In those towns the inhabitants had also had the benefit—if benefit it were—of having got rid of church-rates, so that they had the voluntary system in perfection. And yet, after all, what had been the result? He had just shown by figures. He would appeal, therefore, to the House, whether it would be wise to alter a law which had existed for 1,000 years, and substitute for it this voluntary system? He would ask, whether the facts he had adduced were not pregnant with warning, and whether they were not enough to make them pause and think seriously before they sanctioned the proposed alteration. The House of Commons was now asked to get rid of a fund which had hitherto relieved the voluntary contributions of the country to a vast extent, and it was proposed to throw upon the voluntary principle the additional supply of a sum of between 400,000*l.* and 500,000*l.* a year. That voluntary fund being avowedly insufficient for its purposes now, it was quite evident that, should the measure pass, it would be much more insufficient. He was not, therefore, disposed to vote for a measure which would have such an unsatisfactory result. They had, however, been referred from time to time to foreign countries, and had been advised to take their policy as an example to be followed. The impropriety of a National Church establishment, and the excellent working of the voluntary system, were fully demonstrated, it was said, by the experience of those foreign countries. Now, he was willing to accept this challenge, and, on looking at the state of things in other countries, he felt warranted in declaring that there was no country upon which the sun shone, the people of which enjoyed anything like the civil and religious liberty which was enjoyed by the people of England. He would ask, then, what there was to induce them to abandon the institutions under which they lived, and to adopt those of foreign countries, where no such privileges or enjoyments existed? He would not discuss how much of the liberties they enjoyed in this country they owed to one institution or to another, but his firm conviction was that there was not one institution which had done more than the Established Church to create, foster, and maintain those habits of free discussion, that feeling of self-reliance, and that independence of thought which had produced and preserved to the country its civil and religious liberties. They had been referred to America, where, it was said, the people enjoyed greater advantages under the voluntary system, than the people of England did under a national establishment. He did not deny that there were in America many good, pious, and Christian-like men, but the question the House was discussing was one which did not refer to individual character as much as it did to national character. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley), on a former occasion, told them what was the moral and religious character of the people of England, as compared with that of other countries, and showed what he (Mr. Follett) believed to be the fact, that the moral and religious character of the people of England ranked higher than that of the people of any other country. No doubt there were many pious people in America. But, did not Gentlemen know, that even in New York, the metropolis of the civilisation of that country, there were churches and buildings erected for Divine worship, into which no human creature with one drop of black blood in his veins dared to enter. Was, then, a system, which admitted of such a state of feeling, to be compared with the religious institutions which the people of this country enjoyed? The noble Lord the Member for the City of London (Lord J. Russell) had rightly said, that the Church Establishment in this country did not stand alone, and that it would not fall alone. He felt with the noble Lord that the Church of England was bound up with all the other institutions of the country, and that when once they abolished and destroyed the one, they would at the same time destroy the others. And before the country came to the determination that they would abolish the Established Church, there were many things that would require to be considered, and not among the last or the least would be those statutes which regulated the right and title to the throne of these realms. The question had in his opinion been argued upon too narrow grounds. It had been argued as if it affected only large towns, and as if the rural districts of the country might be overlooked. There were something like 11,000 parishes in the kingdom, and in how many, he would ask, had it become necessary to consider the necessity of abolishing church-rates? Last year the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) calculated that there were 500 parishes in which the question of church-rates had been raised; but the House had been told by the hon. Baronet who introduced this measure that there were only about 150 parishes which had raised the question. So that Parliament was called upon, for the sake of settling the disputes in 150 parishes, to abolish a law in total disregard of the feelings of the people in nearly 10,000 parishes where it worked fairly and excellently? So much had the subject been considered with reference to large towns only, that the right hon. Member for Northampton (Mr. V. Smith) when discussing it on a former occasion, observed, that he voted for the abolition of church-rates because he considered them not to be properly appropriated. They were intended, he said, to afford church accommodation to the poor, but that he had never seen that to be the result, and he asked those who attended the church in large cities whether they had ever seen the poor attending the churches, adding, that he certainly never had done so. He (Mr. Follett) certainly could not agree in that statement of the right hon. Gentleman. He, however, mentioned the circumstance with a view to show that the right hon. Gentleman totally misunderstood the object of the law which he voted to abolish. The right hon. Gentleman said, that church-rates were intended to afford increased church accommodation in large cities. He (Mr. Follett), on the contrary, maintained that the law imposed no such obligation. The right hon. Gentleman expressed a wish to see more poor people go to church, and yet he supported a Bill which had for one of its objects the introduction of a system of pews, thereby depriving the poor man of the very accommodation the right hon. Gentleman said he was desirous of giving him. Of the 11,000 parishes, a very large proportion of them were in the rural and agricultural districts. How would the proposed alteration of the law operate in those rural parishes? Take the case of a peasant, a poor inhabitant of a country district, who had inherited for 1,000 years (learned antiquaries had traced the existence of the right even before the Norman Conquest), the right to have his parish church repaired, the rites of the Church administered to him, and his priest maintained, out of charges upon the land in his parish. Suppose a person wished to buy the land, he would calculate its value, and then deduct from it the charge for the maintenance of the minister and the repair of the church, and the residue he would pay as purchase-money to the former proprietor of the estate. But, should the proposed law pass, that charge on the land would cease, and the peasant would be deprived of his right. But, it was replied, that he would have a claim on the rich man to subscribe for the support of the parish church. Now, he would ask, would not that be converting what was now a right into mere alms, depending on the will of the rich man? Suppose, however, the peasant went to that rich man to solicit his subscription, might not the rich man say, "I am a Dissenter, and I cannot conscientiously give you anything to support a Church to which I do not belong." Thus would the rich man keep the money in his pocket, and the poor man would be deprived of his right. There were hundreds of thousands of instances of that nature which would be called into existence if the Bill now before the House should be passed into a law. How, then, could it be just to abolish those rates without providing some substitute for them. Again, the measure was stated to be one of expediency—but, let them consider the question of expediency. Year after year the House voted large sums of money for the purpose of building museums and receptacles for articles of science and art, and for the purchase of pictures in large towns. All those things were paid for out of the taxes, and the poor man's pittance was wrung from the dweller in the country districts to provide funds for those purposes, the advantages of which he never enjoyed. And why was all that expenditure made? It was replied, that that appropriation of the public money was just, because it tended to soften the manners and improve the minds of the population of the country, that it turned their attention to intellectual objects, influenced favourably their habits, and made them better members of society. But was not the same principle applicable to the village church and to the poor inhabitants of the country district? Was not the humble village church as likely to soften the manners and improve the minds of the poor within its influence as the handsomest temples erected in the crowded streets of the metropolis for the reception of the productions of art and science? Were not the lessons to be received in that village church day by day, and week by week, more likely to improve the habits of the people, and render them better and happier men than any lesson which could be derived from the best endowed museum in the world? If, then, expediency was a good answer in the one case, as applicable to the millions in the towns, was it not equally applicable in the other case to the millions in the country? He looked upon the law as founded in justice as well as expediency. If, however, there was one thing which would make it desirable that a Bill for abolishing church-rates should pass, it was what the supporters of the measure alleged would be its effect—namely, the putting an end to all religious strife and contention in the country, and the bringing about of peace to the Established Church, and preventing any disputes between the clergy and the people. Those who thought that the Bill would have that good effect were no doubt justified in giving it their support; but did the hon. Baronet (Sir W. Clay) really think that the Bill before the House would bring peace to the Church? On the contrary, he (Mr. Follett) believed it was calculated to do the very reverse. What did the hon. Member for Manchester (Mr. Bright) tell the House last year? He said, that the contest they were then engaged in commenced just after the Reformation by the Puritans, that it was continued by the Non-conformists, and that it was now being carried on by the Dissenters, and that the real question was whether there should be a State Church or not. He would ask, therefore, whether hon. Members thought, that by getting rid of the question of church-rates the contest would be at an end? Or whether it was not more probable that by surrendering that outwork of the citadel, the enemy would get into the body of the fortress and destroy the whole place? If the Bill of the hon. Baronet were really calculated to bring about these results, no one would more readily support it than himself. There was scarcely anything that he would not accept for the sake of obtaining religious peace; but, unfortunately, he did not think the Bill would effect any such end. The hon. Baronet attempted to reconcile things which could not be reconciled, and to make consistent things which were in their nature inconsistent. There was not a clause in the Bill which was not pregnant with dissensions which would arise in every parish. First of all, he proposed to hand over to the churchwarden the distribution of the fund which was to be contributed alone by Church of England people. But, did not every one know that the churchwarden was appointed by Dissenters as well as by members of the Church of England? Again, in the same section of the Bill it was proposed that the money so contributed should be laid out in support of the church and of the churchyards. Well, every one knew that the churchyards were used by Dissenters as well as by Churchmen. As the Bill stood, they would hand over to the vestry the allotting of the pews and the fixing of the rents. The vestry was composed of Dissenters as well as the members of the Church, and yet, they were to have the power of appropriating the pews and fixing the rents. Nothing in his mind could be more objectionable. The hon. Baronet told them, however, that he had withdrawn some of the clauses of his Bill, and proposed to alter others, and there was some difficulty, therefore, in knowing what Bill they were discussing. But if anything like the Bill on the table of the House passed into a law, there would not be a parish in the kingdom in which religious dissensions would not be introduced. He was not opposed to any Amendment of the law which would prevent those scandals which had arisen in certain towns. Anything which would amend the law and get rid of those unseemly scenes he was willing to support. But he would not support a Bill to abolish the law altogether, and without providing some sufficient substitute for those rates. The law as it at present stood, was, in his opinion, better than that. He believed with the noble Lord the Member for the City of London, that the existing law relating to church-rates was capable of amendment, and that it might be amended to the satisfaction of all reasonable parties. He believed that the Established Church never was so ready as at that moment to enter into fair arrangements for remedying any evil that existed. And he called upon the noble Lord the Member for the City of London to redeem the pledge he made to the House and to the country last year, when he said that he would amend the law, and prevent the consequences which must necessarily happen should the present Bill be passed. And feeling that he could not support the Bill either as a measure of justice or of expediency, he begged to move that the House go into Committee on the Bill that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

The ATTORNEY GENERAL said, he thought it was to be regretted that his hon. and learned Friend should resist their going into Committee on the Bill. The House had confirmed the principle of the Bill; in other words, the House had sanctioned the principle of the abolition of church-rates; and, when he looked to the nature of the question, and to the feeling to which the constant agitation of the subject had necessarily given rise, he could not but think that the House ought to be allowed to go into Committee to see whether it was possible to find a solution of that most difficult and embarrassing question. He did not believe that either his hon. and learned Friend, or the other advocates of church-rates, could flatter themselves that the question of maintaining those rates was anything more than one of time. When they saw that at least one-third—he might say one-half—of the population of the country were Dissenters, and when they knew that to every Dissenter the church-rates were an intolerable grievance, and the imposition of which was felt to be a most galling injustice, and was known to be a constant source of heartburning, it was impossible to suppose that the question could be allowed to sink and pass away. The opponents of the measure would have it agitated year after year, and more especially now that the House had sanctioned the principle of a Bill for the abolition of church-rates. What, then, would be the consequence of deferring the proposed measure? It would tend to produce discord between the two great divisions of the population. Surely, then, it would be infinitely better to avail themselves of any opportunity, if possible, to settle the question rather than defer it. The Dissenters felt that, to be called upon to pay church-rates, was an act of unmitigated injustice; and who could deny that, to compel a man to pay for a church to which he did not belong, and for the support of a worship in which his religious feelings did not allow him to participate, was not, upon the face of it, a most serious and dangerous proceeding? And what was to prevent Parliament from relieving them from such an injustice? It was said, "Oh, you have acquired your property subject to this impost; you knew that you would have to pay a tax, and which, although a personal tax, was a tax in respect of property." He was afraid that that argument would not silence the Dissenter. He would tell you that, at the time when church-rates first became a part of the institutions of the country, the Church comprehended and embraced the whole body of the population, and that, therefore, it was perfectly reasonable that the whole population should contribute towards the maintenance of the fabric of the parish church; but he would also tell you that that state of things had long ceased to exist, and that now one-half of the population no longer partook of the benefit of the church. He would likewise tell you that, on the other hand, a great change had taken place in the nature of the property of the country, and that, while the congregations of the different parishes had, by reason of dissent, diminished, or, at all events, had but little increased, the value of the land from which the rates were raised had doubled itself. And he would furthermore tell you, that the exaction of these rates was unjust, because, while you continued to raise them from the whole of the property of the country, you did not appropriate them to the use of the whole population of the country, but only to the use of a section of that population. Those were the arguments which the Dissenters would urge against the proposition for continuing those rates. He would not say that the arguments were conclusive, but they were quite strong enough to afford a plausible ground to support a proposition for abating church-rates. But what he particularly sought to urge upon his hon. and learned Friend was, that it was impossible to hope that anything that could be said in support of church-rates, would reconcile Dissenters to the payment of them. His hon. and learned Friend appeared to argue the question as if there was involved in it the existence of the Church of England itself. Now, he did not think the question at all affected the security and safety of the Church. It had been said that those who had supported the measure were striking a blow at the superiority of the Church, and that it was the duty of Parliament to maintain that superiority. He could not, however, for a moment conceive that the superiority of the Church was in any way involved in the question. The Church possessed princely revenues, secured to it in the safest possible form. The great estates of the bishops had the amplest protection that Parliament could give. The dignitaries of the Church ranked with the nobles of the land, and formed a part of the Legislature of the country. Could anybody, then, suppose that the superiority of the Church, thus constituted, and with such means, rested at all upon such a slight foundation as that of church-rates? He could not bring himself to view it in that light. On the contrary, he thought he could not do an act which would more effectually maintain the Church in its present high position than by supporting a measure which would remove from it an evil under which it had long laboured, and by which its usefulness had been seriously impaired. Was it worth while, he would ask, for the sake of the small amount of church-rates, which, in the whole kingdom, did not exceed 300,000*l.*, to keep up a constant state of discord and disunion? He fully agreed that it would be a lamentable result if the abolition of the impost would cause churches to be allowed to decay, and, if there was any probability of such a result, he would hesitate to assent to a measure which would abolish church-rates. But he could not believe in that result when he saw the great efforts which were made by all religious denominations for the maintenance of their places of worship and the celebration of their rites. He agreed that churches ought to be maintained, not solely on account of their necessity for the purposes of religious worship, but because they were hallowed by the holiest and tenderest feelings of the people of England. It was for that very reason, however, that he disbelieved in the probability of the churches being allowed to fall into ruin if church-rates should be abolished. The hon. and learned Gentleman had argued against the voluntary principle as less efficacious than taxation, and if all were agreed in religious opinion there would be no necessity of getting rid of church-rates. But the House must remember it had to deal justly with Dissenters as well as with members of the Church of England, and the question before it was how that could best be done. He repeated that he would not consent to the abolition of church-rates if it would lead to the decay of the churches, but he maintained that such a suggestion was a gross libel upon the members of the Church of England. He regarded the question not only as a legislator, but also as a lawyer, and could not help saying he felt ashamed of the present state of the law relating to the subject. The law at present imposed on every parish the obligation to tax itself for the maintenance of the fabric of the Church, and for the celebration of divine worship, but what was the only means of enforcing that obligation? The only means of enforcing the obligation was in the Ecclesiastical Courts, and the non-performance of the obligation could only be visited with an ecclesiastical penalty. Even to impose the tax at all it was necessary that a majority of the parishioners should concur, without which the tax could not be levied; but the majority against the rate, as well as the minority in its favour, were still under the obligation of the law, and were subject to the ecclesiastical penalties, which were such as Dissenters did not care a rush about, and which many members of the Church itself equally disregarded. Thus there was a law which imposed an obligation, whilst there were no means of enforcing it. In most of the large towns the law was a dead letter, and, worse than that, had become a mockery and an absurdity. He thought that if the legal obligation were removed, many persons, members of the Church of England, who now sheltered their meanness under the obligation of the law, could not in common decency refuse to contribute to the maintenance of the fabric of their Church. The hon. and learned Gentleman, who moved the Amendment, had admitted the law should be amended, but had not stated in what way. The hon. and learned Gentleman would, perhaps, suggest that a minority might make a church-rate, but that was an Amendment which the House was not likely to adopt. All must agree that the existing state of things must be changed, and yet when the hon. Baronet the Member for the Tower Hamlets (Sir W. Clay), brought in a Bill with that object, hon. Members opposite took objections and cavilled at clauses being withdrawn, and complained that they did not know what they were discussing. But the hon. Member who introduced the Bill had, on a former stage, proposed to go into Committee *pro formâ*, in order that the Bill might be reprinted, but that course had been resisted by hon. Gentlemen opposite. The clauses relating to pew-rents, which he (the Attorney General) admitted were objectionable, had been removed, and the whole machinery of the Bill had been improved. He said again, that the question was one which must be settled soon, and all that the opponents of the measure could hope to gain was a little delay. The Dissenters, they might be assured, would not rest quiescent under the tax. The House had sanctioned their views, and it was therefore desirable to go into Committee upon the Bill, and endeavour to find some satisfactory means of settling the much-vexed question. There was no question of the superiority of the Church, no question of pulling down that venerable pile, so dear to the people of the country; and it was not fair to impute to those who desired to get rid of an unjust and objectionable impost any desire to assail the Church or her just rights. He believed that Dissenters, having a grievance, as they considered, were anxious to get rid of that grievance, but were desirous to see harmony and good feeling prevail among all classes, without wishing to do aught that would tend to diminish the strength of one of the greatest institutions which had ever existed in the country.

Lord JOHN MANNERS said, the hon. and learned Attorney General had lectured the hon. and learned Gentleman (Mr. Follett) who moved the Amendment, for interfering at the present stage, but he (Lord J. Manners) thought that the present question was one of sufficient importance to justify his hon. and learned Friend in the course he had taken. The Attorney General had dwelt upon church-rates as an intolerable grievance upon Dissenters, and urged, therefore, that the House ought to listen to the particular request for the removal of that grievance. But if those were the sentiments of the hon. and learned Gentleman (the Attorney General), how came it to pass that year after year had elapsed without the Government, which in all its combinations and mutations had had the assistance of the hon. and learned Gentleman's talents, having legislated upon the very subject which had so moved the indignation of their Attorney General? Did it not occur to the hon. and learned Gentleman that the very colleague who sat next him during the delivery of his speech was the particular gentleman who on a former occasion made the most able and vigorous defence of the very system of church-rates which had now attracted the denunciations of the hon. and learned Gentleman? Did not the Attorney General recollect that the noble Lord the Prime Minister not only refused to legislate, but gave the House to understand that legislation upon the subject was impracticable? The hon. and learned Gentleman had pointed out evils and inconsistencies attaching to the present state of the law, but had never suggested to the Government, whose legal organ he was, the necessity of applying a remedy for those evils. Instead of so doing, he invited the House to enter loosely upon some investigation in Committee, in order to see whether, by striking out one part of the Bill, and inserting another of which no one had heard until two days since, something could not be done which would be satisfactory to the minds of the dissenting Members of the Committee. He (Lord J. Manners) protested against such a proceeding on the part of the Government. No one was more willing to relieve the consciences of others than he was, and it was because he regarded the present measure as imposing fresh grievances on conscience, imposing a new and hateful tax on the poor church people of England, and ousting the poor from their long-established rights, that he gave the Bill his most strenuous opposition. The House was now told that the hon. Member who introduced the Bill was willing to sacrifice one-half of it; but what could they think of a measure so lightly introduced, and whose provisions were so inconsiderately framed? The part of the Bill which it was now announced was to be given up was the part upon which the hon. Baronet (Sir W. Clay) most dwelt in introducing the measure. The hon. Baronet had admitted it would be impossible to ask the Church to consent to the abolition of church-rates without providing some substitute secured by law; and that substitute he proposed to adopt in the shape of pew-rents. And now the clauses relating to that part of the subject had been, he was given to understand, withdrawn. But, taking the Bill as it stood, what was the grievance which Dissenters complained of? It was that, as they dissented conscientiously from the doctrine and discipline of the Church of England, they ought not to be called upon to maintain her fabrics and defray the expense of celebrating her services. That was the grievance with which the Bill was intended to deal; but, from the preamble down to the last clause, not one word of mention of that grievance could be found, nor any provision tending to remedy that grievance. He therefore charged against the Bill that the preamble raised a false issue, and the clauses went to apply an unjustifiable remedy for a grievance which might be otherwise removed without prejudice to the religious convictions of any class of religionists. The preamble stated—

> "Whereas church-rates have for some years ceased to be made or collected in many parishes, by reason of the opposition thereto, and in many other parishes where church-rates have been made the levying thereof has given rise to litigation and ill-feeling."

Thus litigation, and not conscience, was the reason for legislating. He would remark that church-rates were not the only subject upon which litigation arose. The police force had just now incurred a certain amount of ill-feeling and litigation, but no one on that account would think of proposing the abolition of police-rates. The preamble ought to run, "Whereas the imposition of church-rates is a grievance to the consciences of those who dissent from the doctrine and discipline of the Church, be it enacted that for the future church-rates shall not be levied from those who so dissent." [Sir J. SHELLEY: Hear, hear!] The hon. Member for Westminster cheered that suggestion, but such was not the object of the Bill before the House. It was said that provision could be added in Committee, but then the Bill would be completely altered. He must remind hon. Members opposite that when a remedy of the description he had mentioned was proposed it was indignantly scouted by those very gentlemen who had induced the hon. Member for the Tower Hamlets to bring in the objectionable Bill they were then discussing. The Bill, instead of exempting from payment of church-rates all those who dissented from the Church, actually forbade all church people, whether they liked it or not, from paying rates for the preservation of their church and the solemnisation of its rites. When the proposal was made to exempt Dissenters from payment of church-rates it was rejected because it would wound their pride and lower their dignity by such an exemption. Now, pride and dignity were all very well in proper places, although the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had some time ago adduced weighty and ingenious reasons to show that pride in all shapes was bad and unchristian; but pride and dignity on the part of Dissenters who asked to be relieved from what they considered an intolerable grievance were arguments totally misplaced, especially when they proposed to impose a new and odious tax on their poor neighbours belonging to the Church. If the House were to consent to go into

Committee upon the understanding that the clauses relating to pew-rents were to be omitted, they would have no security that the Gentlemen who acted with the hon. Baronet would permit him to withdraw them. The Attorney General had said that for the sake of peace and good-will in parishes it was necessary to make the concession embodied in the Bill; but he (Lord J. Manners) would refer the hon. and learned Gentleman to the hon. Member for Finsbury (Mr. T. Duncombe), who had performed two years since a meritorious act in procuring the rejection of a Bill which sought to impose pew-rents upon the parish of Stoke Newington. The hon. Member for Finsbury, who was well versed in the origin and history of Chartism, could also inform the House of a most remarkable phase of that movement closely connected with the present subject. On one Sunday in April, 1848, the cathedral at Norwich, all the churches and even the dissenting chapels at Leicester, Loughborough, and other places were occupied by Chartists, who regarded the system of pew-rents as an intolerable injustice, which they would no longer permit to exist. How, then, could the Bill before the House be expected to have the effect of promoting peace and good-will? A good deal might be said in favour of retaining church-rates as a long-established charge, but what could be said of an impost of pew-rents upon two-thirds of the seats in all the churches of the kingdom, except that it was in direct violation of the apostolic injunction of St. James? It was on account of the reasons he had assigned, and not because he objected to relieve the consciences of Dissenters, that he felt bound cordially to support the Motion of the hon. and learned Member for Bridgewater.

Sir WILLIAM SOMERVILLE said, that the hon. and learned Member for Bridgewater (Mr. Follett) had argued that the effect of the Bill would be to sap the foundation of the Church of England. From that opinion he totally dissented. The Church of England was now the united Church of England and Ireland. He thought when he came down to the House that they would have gone into Committee on the Bill, but as the principle of the question was again brought under discussion in a very temperate and conciliatory speech, he trusted he would be excused for making a few remarks. He denied that there was any analogy between the existence of the monarchy and the existence of church-rates. He should hope that the monarchy rested on some surer ground than church-rates did. Church-rates had been abolished in Ireland, but had the prediction that that Church would fall to the ground if those rates were repealed been verified by the results? On the contrary, he contended that the abolition of church-rates in Ireland had tended greatly to promote the stability and increase the usefulness of the Church in Ireland. If this had been the result in Ireland of the abolition of the rate, why should it be supposed that a different result would follow from a similar step in England. The only other objection of any force urged against the Bill was, that the churches would not be maintained but would be allowed to go to ruin. He did not think it at all likely that the members of the Church of England—who were bound to their churches by so many ties, and around which the remains of their ancestors and relatives reposed—would allow the edifices to fall into decay. The whole of that argument went to show the impossibility of the members of the Church ever allowing the fabrics of the Church to fall. Looking at the great number of churches erected within the last few years by the voluntary efforts of members of the Established Church, was it possible to suppose that voluntary liberality would not provide for their decent maintenance and the due performance of religious worship therein? The Dissenters also had erected many places of worship, and not only provided for their maintenance, but for the support of the clergymen. A still poorer population, the Roman Catholics of Ireland, contrived also to do as much; they supported their priests, and provided for the celebration of a pompous and costly ritual, and of several cathedrals in which it was celebrated. It was impossible that the Protestants of England so much wealthier as they were, should be unequal to make due provision for the objects embraced by the Bill. Believing that the measure would tend to the promotion and increase of harmony and goodwill between the established and dissenting communities, and that it would be a bond of union and friendly feeling between them, he should give his cordial support to the Bill.

Mr. E. BALL said, he fully concurred in the sentiments expressed by the hon. Gentleman who moved the Amendment, that the overthrow of the Church of England would be a great religious, moral, and social calamity to the country. Ever since he had sat in that House his unvarying declaration had been that he was fully satisfied of the importance of maintaining the Church of England; but he was surprised that, in spite of all that had been said upon that subject, hon. Members should still continue to treat it merely as a political question. If it were not a religious question, how was it that so many men sincerely attached to the Church of England united with the Dissenters in endeavouring to obtain the abolition of church-rates, on the ground that it would introduce a more kindly feeling between Churchmen and Dissenters? The hon. and learned Gentleman (Mr. Follett) had asked how it was that the noble Lord (Lord J. Russell), being a Liberal, and having led the Dissenting body to suppose that he was an advocate of the measure, could come forward and declare that the destruction of the Church would be the destruction of the aristocracy, and the destruction of the aristocracy the ruin of the Crown, and that therefore on church-rates rested the maintenance of Church and State and Sovereign. He (Mr. Ball) was not there to reconcile the inconsistencies of the noble Lord; but he was not astonished at that observation, because his conduct was so remarkably inconsistent not only on that subject, but on everything else. The hon. and learned Gentleman had referred to the want of religious instruction in the country, estimating that about 30 per cent of the population only received it; but for the efforts of the Dissenters it would probably be 20 instead of 30 per cent, and instead of the removal of church-rates decreasing that supply, it had been proved that in every case where they had been abolished the supply of religious instruction had been increased. He denied that the concession would create a demand for further concessions. The hon. and learned Gentleman also said the removal of the church-rates would very much diminish the supplies of religious accommodation for the spiritual wants of the country. He believed, on the contrary, the fact to be where the levy of chuch-rates had been suspended, voluntary liberality had considerably increased, and the supply of religious accommodation had been greatly extended. By the course sought to be adopted they would make the Church of England an opponent to the popular views and feelings, whereas their great object ought to be to root it firmly in the hearts and affections of the people.

Mr. E. Ball

He was not aware of a single instance where church-rates had been abandoned, and an appeal made to voluntary liberality to replace them, in which the Dissenters of the locality had not cordially, nobly, and enthusiastically come forward to contribute in aid of the object of maintaining the fabric of the Church. He conceived that the passing of the Bill would be one of the most beneficial measures that could be adopted for the social interests of the community.

Mr. ROBERT PHILLIMORE said, he hoped that he should not subject himself to the censure cast by the hon. Gentleman who had last spoken upon those who delayed the passing of this measure by unnecessary speaking, (a censure from which some people might think the hon. Gentleman himself was not wholly free,) if he offered some observations to the House upon the important subject now before them. His (Mr. R. Phillimore's) chief objection to the present measure was that it was not an honest one. It purported to be a Bill for the relief of Dissenters from the payment of church-rates, at least, all the arguments in favour of it had proceeded on that supposition. But, in reality, it was not only a measure to release all persons, Churchmen as well as Dissenters, from the obligation which the law cast upon them of supporting the fabric of the Church, and maintaining the celebration of the rites and ceremonies of the established religion; but it was also a measure which, when examined into, did, or endeavoured to do, an act of positive injustice, inasmuch as the practical effect of it would be to throw exclusively upon Churchmen the burthen of supporting the church, while it preserved to Dissenters all the privileges with respect to the rites of the church, which, in common with Churchmen, they now possess. Nevertheless, his hon. and learned Friend, the Attorney-General, had supported the Bill as being a measure for the relief of the tender consciences of the Dissenters alone, but he was sorry to say that there were circumstances arising out of the conduct of a certain portion of the Dissenters with respect to this question of church-rates, which demonstrated that hon. Members who had objected to this Bill, as being a political rather than a religious measure, had spoken with perfect candour and fairness. It could not be denied by any one who had looked into the publications and listened to the speeches of a certain portion of the Dissenters upon this subject, that it was not upon the ground of injury done to their consciences that they objected to the payment of church-rates. In these speeches and these publications—and he alluded more particularly to the doctrines contained in a paper called the *Nonconformist*, edited, he believed, by the hon. Member for Rochdale, (Mr. Miall) —would be found a frank admission that these Dissenters looked forward to the time when there would be a partition of all the endowments of the Church, among all sects of religionists in the State; they candidly awowed that this was their object, and they accepted the present measure merely as a stepping-stone towards the attainment of their greater object. Such, however, was not his object, and he should therefore pause before he assented to this measure. Reference had been made in this, as in other debates, to a measure which he (Mr. R. Phillimore) had had the honour of introducing into the House, and which had, at the time, met with no inconsiderable support. The object of that measure had not been, as the hon. Baronet, the Member for the Tower Hamlets (Sir W. Clay) had erroneously represented it to be, to compel Dissenters to make a particular statement of the form of their religious belief. No such notion had ever entered into his (Mr. R. Phillimore's) head, or was it to be found in his Bill. He (Mr. Phillimore) had provided by that Bill that any person, simply alleging himself to be a Dissenter, and claiming exemption upon that ground from the payment of church-rate, should be forthwith relieved from it; that he (Mr. Phillimore) had also provided that such Dissenter, having refused the church-rate, should not be entitled to the benefit of the Church rites. That was a very different measure from one which released indiscriminately all persons from payment of church-rates; and, above all, it was a very different measure from one which, giving the benefit to two parties, threw the entire burthen upon one; and here he (Mr. R. Phillimore) begged to call the attention of the House, and of hon. Members who were Dissenters, especially, to the very awkward dilemma in which Dissenters generally were placed by the conduct of a certain portion of their body, whereby his (Mr. R. Phillimore's) Bill for the relief of Dissenters had been rejected. The dilemma was this; if the churches were, as this class of Dissenters allege, national fabrics, and for everybody's use, why, then, there was no injury done to Dissenters by compelling them to contribute to the maintenance of these fabrics. If, on the other hand, these churches were the exclusive property of, and only used by, a certain religious sect, as they considered the Church of England, why, then, surely, all reasonable demands were satisfied by relieving Dissenters from the payment of the rate, upon their undertaking to forego the rite. Surely, as far as conscience was concerned, no ground of complaint would remain; surely it was monstrous to hold this language, "our conscience forbids us to support a Church of whose forms and ministrations we disapprove, therefore we refuse to pay a church-rate; but, nevertheless, we claim the right of availing ourselves of those forms and ministrations whenever we think proper." He (Mr. R. Phillimore) would offer to the House an illustration, afforded by a very recent debate upon a private Bill, of the flagrant unfairness of the position which a certain portion of the Dissenters now sought to occupy. Early in this Session, the Great Northern Railway Company proposed to construct a church and schools near Doncaster, to be paid for out of the general funds of the company, but it was opposed on all sides of the House, although it was urged that two-thirds of the shareholders were in favour of the proposition, and that the service was to be conducted according to the forms and ceremonies of the Church of England, to which the great majority of the shareholders belonged. It was rejected, however, because it was pointed out, and especially by the noble Lord the Member for King's Lynn (Lord Stanley) that, although it might be quite proper that the members of the Church of England should erect such a fabric and provide for its maintenance by voluntary contribution, yet the House of Commons could not sanction so monstrous a doctrine as that the funds of the whole company, some of whom might be Dissenters, should be applied to the purposes of the Church of England. Well, this argument prevailed. But now, what was the law with respect to the churches so built?—and he prayed the attention of the House to it. Why, the law was this, that into this church built so exclusively by the funds of Churchmen, every Dissenter in the district had a right to enter, had a right to demand a seat, and performance, on his behalf, of the ministrations of the Church; nay more, was actually empowered by the existing law to inflict a highly penal sentence upon the clergyman of that Church if he refused to him the benefit of every rite which any Churchman and subscriber might demand. Talk of injustice to Dissenters! was not this a grievous wrong inflicted upon Churchmen?—and yet the present measure before the House would continue to sanction the infliction of this wrong, which, perhaps, indeed, it had never contemplated, and of which he was sure the House was not aware. When he heard it said that the passage of this measure ought not to be delayed throughout the House, he must express his opinion that there could hardly be a question upon which the House of Commons ought to deliberate with more patience and earnestness than this. Let the House look at the magnitude of the question. How had it been treated by the noble Lord the Member for the city of London? Why he, considered by a powerful party in this House as one of the first Ministers and greatest statesmen of the country, the head of the Liberal party, and a man adored by his many followers on that side of the House, had only last year protested, in the most solemn manner, against the measure as tending to the subversion of one of the principal institutions of the State, the Establishment of the Church. But there was another view of the magnitude of the question. He held in his hand a return of the amount of rates refused and contested in the various parishes, which had been procured at the instance of a Committee of Convocation, and he found that out of 9,904 parishes there were only 314 in which rates had been refused, and 225 in which they had been contested, or something like 4 per cent. in the one case, and 7 per cent in the other. He did not think that they ought, in consequence of so small a minority as that, to give up a system so long maintained as the present, and which had tended to the support of the Church in all the rural parishes in the country. He quite agreed to the remark which had been made, that it would be a libel upon Churchmen to say that, but for church-rates, they would allow the churches to crumble into ruins. He agreed also with much that had been said respecting the voluntary contributions of late years; but he thought that a most unfair argument was built upon this fact. Because, it was said, you Churchmen have done so much beyond what the law required for the support of your churches, therefore we will take away from you even that inadequate assistance which the law now affords. And let the House not for a moment forget that, in spite of all this aid, both legal and voluntary, the spiritual destitution of portions of the country (the blame of which we must all, according to our different spheres and abilities, he was afraid, bear) was of the most appalling character. He did not believe, indeed, that the existence of the Church in this country was bound up in the maintenance of church-rates, but he reminded the House that it was a privilege which the Church of England had enjoyed nearly coeval with the establishment of Christianity in this country, and that up to a few years ago no complaint whatever was made upon the subject. He agreed with the Attorney-General as to the present disgraceful state of the law on this subject; but for that state he conceived that the House of Lords was in some degree responsible for their decision in the "Braintree case;" for he agreed that though there might be a theoretical remedy in the law when a church-rate was refused, yet, practically, it came to this, that means of enforcement were so odious, or at least so little in accordance with the feelings of the age, that no well-wisher, either to the Church or the State, would recommend their adoption. He could not, however, dismiss this part of the subject, without observing that if the majority of a parish was composed of Dissenters, they could, after the decision in the "Braintree case," prevent the infliction of a rate, and, therefore, all grievance was taken away from them in that particular case. The right hon. Member for Canterbury (Sir W. Somerville), had spoken of the existing state of Ireland with respect to church-rates; but there was another country in which the state of the law upon this subject would, if this measure passed into a law, be forced upon the attention of Parliament. He meant Scotland. For he could not imagine how they could reconcile the total abolition of church-rates on this side of the Tweed, and maintain the law, as it present existed, on the north side of that river. The imposition in Scotland of what was practically a church-rate, had not been complained of, though the circumstances under which it was paid were ten times more oppressive than in England. The fact was, that the Episcopalian Church in Scotland, which was a Dissenting body with relation to the Establishment in that country, had always been a long-suffering, loyal, uncomplaining, Church. She had no agitators to proclaim her grievances. She did not now complain, she was willing to bear the burden which the State and the law of the land had laid upon her, of contributing her rate to the Establishment; but if the Dissenters in England were to be relieved, what pretence could there be for continuing the burden upon the Dissenters of Scotland. He was sure that the majority of the House would learn with amazement the existing state of the law with respect to the compulsory support of the Presbyterian Church, for it was idle to attempt to draw any difference between an assessment imposed *directly* upon property, as in Scotland, and a rate imposed upon property *ratione personæ*, as in England. The practical result was the same in both cases. Now, what was the law in Scotland? Why, there the law imposed the burden of repair of church and manse upon proprietors of lands according to their valued rents. The mode of enforcement was, that eight or ten ministers, *proprio motu*, ordered plans, &c., ordained by a decree of their court, and the heritors assessed themselves for the amount ordered by the Presbytery. The majority of rate-payers could not practically dissent; and the minority could not even theoretically dissent. Churches were rebuilt on the scale of accommodation for two-thirds of all persons above twelve years old, without reference to their religious belief; the members of the Established Church by the last census being not more than one-third of the population. Three-fifths of the property belonged to Episcopalians. With respect to the new machinery which it was proposed to introduce into our ecclesiastical system by this Bill, and especially that part which related to pew-rents, he (Mr. Phillimore) must emphatically repeat his entire disapprobation of all these clauses. The hon. Member for the Tower Hamlets has said, that the poor had had but a barren right in the Church, so far as London was concerned, inasmuch as the floor of the London churches was already occupied by the closed seats of the rich. There was, unhappily, much truth in this; but it was an evil to be got rid of, not perpetuated, and above all, not to be introduced into our rural parishes, in which it was comparatively unknown, and in which, at all events, it was fast disappearing. And now, with respect to those clauses which prescribe the mode by which voluntary contributions should be collected and disposed of, a grave question of principle, which appeared to have escaped the notice of the hon. Member for the Tower Hamlets, immediately presented itself. So long as the law imposed upon him (Mr. Phillimore), a tax or rate in common with his fellow-citizens, it had a perfect right to regulate the assessment and disposal of the funds raised by it; but when it came to a question of free-offering, he denied that the law had any such right. By what title did the hon. Member for the Tower Hamlets, or the House of Commons, or the Legislature, interfere with the manner in which he (Mr. Phillimore) thought proper to dispose of his private alms? He should like to have this question answered. In conclusion, he would observe, that he did not say that he would not support a measure for the abolition of church-rates, if he were satisfied it would do justice equally to Churchmen and Dissenters, and dry up one source of the unhappy differences subsisting between them; but inasmuch as they were told that the present measure would not be considered final by the Dissenters, but only as an instalment of their rights, and inasmuch as it was pregnant with the gross injustice of throwing upon a few Churchmen the entire burden of supporting the fabric and ministrations of the Church—for such would be the practical effect of voluntary contributions—while it preserved to the Dissenter the full power of benefiting by the Church, and those rites towards which he was to contribute nothing—inasmuch as this was the substance of the measure before them, he (Mr. Phillimore), both as a Churchman and as an honest man, should give it his opposition.

MR. C. FORSTER said, he believed that he represented the feeling of many excellent and pious ministers of the Church of England, when he stated that they were anxious that Parliament should extirpate that root of bitterness, church-rates. In Walsall, which he represented, there had been no church-rates for the last fifteen years. Churchmen and Dissenters had anticipated the measure now before the House, and had joined to repudiate the evil. All the animosities and heartburnings of former years had been removed, and he believed that there was no town in England where there was less sectarian bitterness than in Walsall. He well recollected that it had been continually necessary to call in the assistance of the police for the collection of the impost; but since its discontinuance there had been a perfect cessation of heartburnings and disaffection. It was not to be supposed that the members of the Church, if church-rates were abolished, would suffer fabrics which had been for centuries entwined with the most solemn associations and the deepest affections, to fall to decay for want of voluntary support, merely because they no longer possessed the power of extorting them by force of law from their dissenting fellow-subjects. Rather it might be anticipated that the abolition of church-rates would have the effect of rousing the dormant energies of the Church, and placing her in that position which she ought to occupy in the hearts of her children. He trusted that the Bill would not be added to the list of measures to be deferred to the conclusion of the war.

Mr. WIGRAM said, the reason which actuated him in voting against going into Committee on the Bill was the very reason which the Attorney General had given in favour of the Committee—namely, that the present state of the law respecting church-rates was a disgrace to our institutions. In that observation he entirely agreed. The hon. and learned Gentleman said that if there were a public question, which upon every ground called for the interposition of Parliament in order to its settlement that was the question. In that observation also he entirely agreed; and he believed that if the wish on the other side of the House was strong to get the question settled, that wish was on his (the Opposition) side of the House probably yet stronger, for he had received intimations from hon. Members right and left of him of their anxiety and desire to see the question settled, and the minds of men no longer disturbed regarding it. But he should oppose the Motion for the House to go into Committee, because the Bill, so far from having a tendency to settle, or holding out the hope or prospect of settling the question, would have the direct tendency of perpetuating and augmenting agitation upon the subject. The Bill proposed the total abolition of church-rates throughout the rural districts, where no one ventured to say they were onerous. It might serve the purpose of keeping alive the question as a means of Parliamentary agitation, but settle the question it would not: for it would have no chance of passing the other House of Parliament within the next twenty-five years. If any feasible Bill were brought in to settle church-rates, he (Mr. Wigram) would have no objection to it whatever; but the Bill now before the House he felt certain would not have that effect. The abolition of church-rates might possibly be effected without difficulty in large towns; but once abolished in rural districts, the fabric of the parish churches would in a few years be found to fall into decay. Great stress was laid upon what might be accomplished by voluntary efforts; but he confessed that he did not place so much reliance upon those efforts as some hon. Gentlemen appeared to do. He would take the case of the Tower Hamlets for example, and he would say that the state of that borough was a disgrace to the country. Taking the Church of England and the Dissenters together, their joint efforts did not afford accommodation for 25 per cent of the population. That was the result of the voluntary system in a case of that kind, and it was equally ineffective for the purposes of education; because were it not that Parliament came forward annually with grants of money in aid, the education of the people would be utterly unworthy of the country. The hon. Baronet the Member for Canterbury (Sir W. Somerville) had referred to the case of Ireland; but it must be remembered that we had not relied upon voluntary contributions there, the income of ten bishoprics having been converted into a fund for the support of the churches. Upon a review of the whole case, he was convinced that the notion that voluntary subscriptions would stand in the place of church-rates as the means of supporting the churches throughout the country was a delusion. Church-rates were really and truly a charge upon the land, and he had recently heard of a case in which the landlord had introduced a clause into his leases, providing that if pending the lease church-rates should be abolished a higher rent should be paid for the land. That was a perfectly wise and prudent provision, but it proved his proposition that church-rates were a burden upon the land; and he wanted to know, therefore, on the part of the poor man, to whom the parish church was everything, why Parliament was to take that money which was now the property of the poor in order to make a present of it to the landlords of the country? The Bill before the House was not one of a final character; it did not look to the consequences which might follow, and it was not calculated to give satisfaction to the country or to secure the continuance of those advantages which we now possessed in the maintenance of the church of every parish throughout the country. He agreed with his hon. and learned Friend (Mr. Follett) that the question was one of the most important that could be entertained by Parliament, as regarded the principle it sought to establish—namely, to deal with property vested in the Church by an Act of the Legislature. It would be impossible to make a distinction between that and other forms of church property, and once the wolf was allowed to enter the fold, it would be difficult, if not impossible, to drive him back. Once the principle was admitted it would be sought to apply it to other kinds of church property. He preferred, if an assault was to be made on the Church, that it should be made openly. He believed this to be a covert assault on the Church, and he, therefore, for the reasons he had assigned, should give the Bill every possible opposition. The Government of the country were in a position to solve the difficulties of the case if they chose. Nothing but mischief could come of the agitation of the question by private Members, and it was the duty of the Government to deal with it.

Mr. GRANVILLE VERNON said, he saw with surprise nobody except the President of the Board of Control and a Lord of the Treasury on the Treasury benches on such an important discussion, when he remembered that the Government had given a positive pledge to settle the question. He thought that some means might be devised whereby Dissenters should be relieved from the compulsory support of a worship to which they did not give adherence, and which he must say he looked upon as a real and substantial grievance. At the same time the subject had been taken up and carried out in a manner altogether so discreditably that he could not give the present measure his support. The whole Bill now consisted practically but of the two clauses—one a clause directly to abolish the rates, and the other providing indemnity in all cases where money had been raised upon the payment of the rates. The subject was dealt with in so unsatisfactory a manner by the Bill that he should support the Amendment.

Mr. GURNEY said, he believed that by a large, influential, and intelligent portion of the people the payment of church-rates was felt to involve a very grievous injustice. Whether that feeling were well or ill founded, he thought that the fact of its existence was well worthy the consideration of Parliament, and that to allay it some sacrifice even should be made. The hon. and learned Attorney General had estimated that sacrifice at 300,00*l*. a year; but as the Bill before the House proposed to abolish church-rates without any substitute whatever, he considered that the sacrifice which we should be called upon by this Bill to make, was not a sacrifice of money only, but of the principle of the Established Church of the country. That principle was, that it was the duty of the State to provide the means of public worship for the gratuitous use of all those who chose to avail themselves of it; but if the proposed Bill passed there would cease to exist any longer a provision for the maintenance of the buildings wherein to conduct the operations of that worship. He would admit that the great question at issue between the supporters and opponents of ecclesiastical establishments was open to argument on both sides, but it was not one which ought to be introduced inferentially into a discussion like the present. He had voted against the two former stages of the Bill, and it was his intention to vote for the Amendment on the present occasion.

Mr. BENTINCK said, he considered that a measure of such importance ought to have been introduced by the Government, and not by a private Member of that House; but, even although the Government had not introduced the measure, the House ought to have the benefit of the opinion of some of the principal Members of the Cabinet with regard to it. The second reading of the Bill was carried by a majority only of twenty-eight in a House of 406 Members, and in the minority were the First Lord of the Treasury, the Secretary for the Colonies, and four other Members of the Government. On the present occasion, therefore, as there was not a single Member of the Cabinet present, he should move that the debate be adjourned.

Admiral WALCOTT: Sir, I am most willing, for my own part, to make any concession which will not involve an undue sacrifice on the one hand, and on the other will conciliate and disarm dissension. Peace, I conceive, is the end desired by the moderate on both sides—it will only be attained by either party yielding somewhat for the future. We must remember that the greatest part of the property of this country was inherited, bought, and sold, on the understanding that the parish church was to be maintained and upheld by the owners of property, and therefore obtained and parted with at a lower rate, owing to the existence of that liability. I will readily concur to remove the contributions made by Dissenters towards the celebration of services which they do not frequent, but I am unprepared to go the whole length of the Bill. I would not hastily abolish church-rates in the gross, though I would consent to restrict their application to the maintenance of the fabric and the decent keep of the churchyard. Many churches, some approaching or equal in size to a cathedral, are situated in localities not only far from populous, but far from wealthy places — such as St. Albans, Beverley, Southwell, Christchurch, and others. Those structures were not designed for the bare accommodation of the attendants at divine service, but were enriched with every accessory of art and genius for the glory of the great object of this worship. They are national temples; they form and contain subjects of national pride and reverence; they indicate the progressive march of religion, civilisation, and taste. If church-rates are to be abolished, there is no reason why the State should not keep them in necessary repair, or aid the parishioners out of the Consolidated Fund. Let the gift then be national, and the Dissenters relieved as I propose. I am rejoiced the question comes before the House when no torpor or backwardness can be imputed to Churchmen;—on every side they are amongst the foremost in the promotion of schools and designs for the social and sanitary improvement of the population; and I may mention also, that within the last thirty-five years they have built and endowed more churches than were erected during the whole interval between that period and the Reformation.

Lord SEYMOUR said, it was evident that there existed on all sides of the House a desire that the question of church-rates should be settled. The second reading of the Bill had been assented to after a lengthened discussion, and he had voted for the second reading because, although he objected to the details of the measure, he thought that it was most desirable to establish the principle that all compulsory church-rates should cease. If he had any doubts as to the wisdom of abolishing church-rates they would be removed by the Bill brought in in another place by the head of the Church, to the effect that church-rates should cease upon a second objection on the part of the parishioners. The real fact was, that only small repairs of the churches in the rural districts were executed, the greater reparations were effected by voluntary contributions. He also thought that, the House having affirmed the principle, the Government would have brought in a Bill to carry it into effect, and he hoped now that the House would consent to go into Committee in order to impress upon the Government the necessity of dealing with the question as it ought to be dealt with. He was not, he must repeat, at all satisfied with the details of the Bill, but he would vote for going into Committee in order to force the Government to turn their attention to the means of carrying into effect a principle which had been sanctioned by that House.

Mr. FREWEN said, he wished to call the attention of the House to the fact that, so far back as the time of the Commonwealth, a Bill was passed which provided that, in order to preserve all parish churches or chapels from ruin and decay, and for the payment of church dues, every parish should, under a penalty of a fine, elect a certain number of churchwardens, who should levy a church-rate subject to the approbation of two justices of the peace.

Mr. COWPER said, that on the previous evening they had had a discussion on the question of whether there should be a call of the House or not. The Motion of the hon. Member for West Norfolk (Mr. Bentinck) to postpone the discussion, because the Ministers were not present, was but another mode of subjecting the Cabinet to a call. He did not see that there was any reason at all for such a proceeding on the part of the House, for the opinions of Her Majesty's Ministers had been clearly expressed on the second reading of the Bill. On that occasion the noble Lord at the head of the Government clearly expressed the objections he felt to the details of the Bill, and opposed them because they were not proposed on the grounds he could have wished. As to the absence from the House of Her Majesty's Ministers on the present occasion, the fact was that they were attending a Cabinet Council, and could not be in their places in the House without neglecting other duties.

Sir WILLIAM CLAY said, he would remind hon. Members that the principle of the Bill had been affirmed by the House, and he would appeal to the spirit of fair dealing which existed in that House not to continue the present discussion, which was nothing more than a prolongation of the debate on the second reading, but to allow the Bill to go at once into Committee.

SIR STAFFORD NORTHCOTE said, he quite agreed with the hon. Baronet, that the present discussion might be considered a prolongation of the debate which took place on the second reading; but the hon. Member should remember that that debate was compressed into a single Wednesday sitting. Many hon. Gentlemen—and he was among the number—represented constituencies which regarded the present system as unsatisfactory, and would be most happy to see an alteration made in it, but, at the same time, they were not bound to accept any alteration that might be proposed; and therefore it was, he thought, a matter of justice to hon. Members so situated that they should have an opportunity of stating their views upon so important a subject, and of giving their reasons for opposing the present Bill. Another reason why the discussion should be continued was, that the Bill now was in a very different condition from that which it was when the second reading of it was assented to. The Bill, as it was at first introduced, proposed to abolish church-rates, and to make some other provision in lieu of them, but the Bill as it at present stood did nothing of the kind. The Bill did not abolish church-rates, for his own constituents complained that Dissenters were called upon to support an organist, whose salary was forced upon them by Act of Parliament, and the present Bill contained no clause which would remedy that injustice. Nor did the present Bill make any provision in lieu of church-rates, for, although the Bill, as originally introduced, substituted pew-rents, that provision had since been struck out, and the Bill at present proposed that voluntary contributions alone should be relied upon. The idea held out at the introduction of the Bill was, that its object was to relieve Dissenters from an injustice, but as it had since been altered, the only effect of it would be to shift the injustice from the Dissenters to Churchmen. The very principle of voluntary contribution upon which it was now proposed to rely in lieu of church-rates was restricted by the present Bill, which said that those who did not contribute should have a hand in the distribution of the sums collected. Many persons possessed property in parishes in which they did not reside, and they would feel themselves bound to contribute to maintaining the fabric of the parish church, but it was very possible that the churchwardens and auditors who were to have the control of the money raised for that purpose, might be elected without their having a voice in the matter. It was said that the security was, that the churchwardens and auditors, when elected, were bound to expend the money upon the parish church. Now, that was certainly true; but there was nothing to prevent them from spending it in an improper manner not contemplated by the contributors. The hon. Baronet, who introduced the Bill, had stated that, in his opinion, it was desirable that Nonconformists should have a voice in the election of the churchwardens and auditors, because Churchmen possessed peculiar views which would be kept in check by the Nonconformists, but to give such a power to Nonconformists was, in his opinion, to greatly discourage Churchmen in contributing. He was willing to agree to any fair and reasonable method of dealing with the question, and, indeed, to make any fair concession, but he did not see why long established rights should be surrendered without any sufficient reason being assigned.

MR. SPOONER said, he wished to remind the House that the real question before it was, whether or not the debate should be adjourned. The noble Lord the Member for Totness (Lord Seymour), had stated that he disapproved the details of the Bill, but if he did so he maintained that that noble Lord, and every hon. Member that took the same view, ought to vote for the adjournment of the debate, in order that, when it was resumed, the Government might be present and take part in the discussion. Two Cabinet Ministers had voted against the Bill on the second reading, and he should like to know what were the opinions of the rest of the Government upon the subject. Was it an open question with the Cabinet? Open questions now were permitted which formerly would not have been tolerated, and it was only a short time ago that the House discovered that even the question of peace or war was an open question in the Cabinet. If every question were to be dealt with in such a manner, there might as well be no Cabinet at all. The present question was a most important one, involving as it did the principle of taking from the Established Church a national support which it had for many years enjoyed, and, therefore, it was one upon which the opinions of the Government should be fairly and openly expressed.

VISCOUNT EBRINGTON said, he hoped that the House would consent to go into Committee on the Bill, and that the gentlemen opposite would not continue a course which would justly subject them to the charge of endeavouring to get rid of a Bill which they knew would be agreed to by a majority of the House by the expedient of speaking against time.

MR. MOWBRAY said, that the noble Lord the Member for Totness had stated that he should vote for going into Committee, because he was anxious that the question should be settled. Now, he was equally anxious that it should be settled, and, in order that it might be, he was willing to agree to a certain amount of compromise; and, after the assurance given last year by the noble Lord the Member for London (Lord J. Russell), he had looked forward to some settlement of the question being arrived at during the present Session. Anxious, however, as he was that the question should be settled, and willing as he was to agree to some compromise, he was, nevertheless, not prepared to see it settled in the first way that might be proposed, or to see rights at once given up, which had been from time immemorial enjoyed hy the Established Church. The noble Lord the Member for Totness had stated that he objected to the details of the present Bill, but that he should vote for going into Committee because he wished to affirm the principle contained in it, but that principle had already been confirmed on the second reading of the Bill. If the noble Lord objected to the details of the Bill, but approved its principle, and wished to force the Government to give effect to that principle, the best course he could pursue would be to vote for the adjournment, in order that the details of the measure might be discussed in the presence of some members of the Cabinet. The Tenants' Compensation Bill had been introduced by a private member of that House, and, upon the principle of its having been affirmed by the House, it had been taken up by the Government; but, surely, a Bill which proposed to take away from the Church rights which it had enjoyed from time immemorial was of equal importance, and was equally worthy the

attention of Her Majesty's Government. He did not think the hon. Baronet (Sir W. Clay), after the discussion which had taken place that day, was likely to carry his Bill much further, and if no practical legislation was likely to follow that Session, he thought the House should support the Motion of his hon. Friend the Member for West Norfolk (Mr. Bentinck), and adjourn the debate.

MR. LLOYD DAVIS said, that in the part of the kingdom with which he was connected the question was one of vital importance, and if the Motion for adjournment were not acceded to it would be his duty, even at that advanced hour, to offer some observations upon the Bill before the House.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:* Ayes 118; Noes 175: Majority 57.

Question again proposed.

MR. LLOYD DAVIS, who was listened to with great impatience, said he disclaimed any intention of talking merely for the purpose of occupying the time of the House, but he would not be deterred by clamour from entering into the merits of the question. If the Bill had for its object to relieve Dissenters alone from what they considered a grievance he should not object to it; but it proposed to do more; it relieved Dissenters and Churchmen alike, and took from the Church that which it had long enjoyed, in deference to the clamour of a small number of persons, quite insignificant when compared with the large number who were content with the law as it was. The whole operation of the Bill was confined to a few words, which were, "That from and after a certain date no church-rates should be paid in England and Wales." The clauses appointing a fund in lieu of church-rates, and appointing auditors, had been abandoned. They obliged the clergy to worship within those sacred edifices, and yet, with singular inconsistency, they took away the means of keeping those edifices in repair. It appeared to him that if it was just in principle to keep up tithes, it was equally just in principle to keep up church-rates, and it would be an act of the grossest injustice to take them away without giving the Church any substitute whatever. Instead of asking the House to go into Committee upon a Bill which did not contain a single particle of the provisions it originally comprised, with the exception of the first portion, the Government ought to bring forward the question in a manner in which it could be satisfactorily entertained by the House. It had been said that the revenues of the bishops and dignitaries of the Church were sufficient to sustain the fabrics of the Church, but what security was there for the retention of that property if they invaded, as they now proposed doing, property equally sacred and indisputable? But they had no right to take away resources which the law had sanctioned, and then to call upon another class of persons to supply those resources. As to getting a single penny from pew-rents in rural districts, he regarded that as quite out of the question, and if, therefore—

The hon. Gentleman was here interrupted by Mr. SPEAKER, who intimated that the hour had arrived at which, according to the rule of the House, the debate must be closed.

Debate *adjourned.*

The House adjourned at seven minutes before six o'clock.

HOUSE OF LORDS,

Thursday, July 12, 1855.

MINUTES.] PUBLIC BILLS.—2ª Dwelling Houses (Scotland); Endowed Schools (Ireland); Gold Wedding Rings; Commons Inclosure (No. 2); Incumbered Estates (Ireland) Act Continuance. 3ª Haileybury College; Powers under Improvement Acts Regulation.

DWELLINGS FOR LABOURING CLASSES BILL.

House in Committee.

Clause 5,

THE EARL OF SHAFTESBURY said, he had to propose some important and additional clauses calculated to carry out the object of the Bill. That object was most admirable—to provide suitable dwellings for the labouring poor. But the great difficulty was in procuring proper sites for that purpose, and to this it was that the clauses he had to propose related. The labouring poor required dwellings as near as possible to the scene of their labour. It would be of no use to them to have dwelling-houses situate a mile or two from their work, so as to add to their labour the fatigue of walking backward and forward, or put them to the expense of some conveyance. To procure sites, however, for their dwellings in large towns was extremely difficult, the land being mostly in the hands of middlemen, who exacted the largest rents they could get. But there were in all large towns certain localities crowded with foul and noisome houses, in close courts and alleys—localities very likely to cause pestilence, and such as it was necessary for sanitary purposes to open up and get rid of. Now, those sites would prove invaluable for the purposes of this measure, as they were often in the most convenient positions for the poor, in the very heart of the town, or in its populous suburbs. And it would be of the greatest importance to obtain them for the purpose of clearing them of those bad houses, and erecting clean and wholesome dwellings for the poor in their place. Indeed, unless some such measures were resorted to it was not easy to see how the present Bill could possibly be rendered effective. Now, there was a Bill before their Lordships' House—the Dwelling Houses (Scotland) Bill—which contained clauses to effect this very object; and as that which was good for Scotland in this respect would be equally good for England, he proposed to adopt those clauses into the present Bill. The clauses in question empowered a certain body answering to the Board of Health in this Bill to clear localities in which the houses were so close, so crowded, and so unclean as to be unfit for human habitation—unwholesome and likely to breed nuisances—and to erect proper houses for the poor on the sites so obtained. These provisions would be most invaluable in the present Bill, which without them would be comparatively valueless; and he therefore proposed to include them.

EARL GRANVILLE said, he was disposed to concur with the noble Earl; but the Bill in question which stood next on their Lordships' paper, had not yet gone into Committee, and the clauses referred to had yet to be discussed and adopted.

Clause *agreed to;* as were the remaining clauses.

Amendments made; Report to be received on *Monday* next.

DWELLING-HOUSES (SCOTLAND) BILL.

Order of the Day for the Second Reading read.

THE MARQUESS OF BREADALBANE moved the second reading of this Bill, the object of which he explained to be similar to that of the measure on the same subject which had been introduced for England.

LORD PANMURE considered this to be

one of the most useful and benevolent measures that had for a long period been brought before Parliament, as under its provisions there was the prospect of obtaining for the operative classes of Scotland a class of dwellings favourable to the promotion of both their moral and their sanitary improvement.

THE DUKE OF ARGYLL regarded the Bill as an important and valuable one, of the application of which no part of the kingdom stood more in need than Scotland, where the houses inhabited by large numbers of the poor were in an exceedingly dirty and ill-cared for condition, and in a state quite incompatible with decency. The clause in the Bill which enabled the association to improve those dwellings which were left in such a condition as to be a nuisance should, however, be modified so as to give the proprietors the option of improving them at their own expense.

LORD REDESDALE admitted that Bills of this character might have an excellent object, but certainly more care was required in drawing them than appeared to have been bestowed in this case. The *minimum* number of partners who were to form the proposed associations for improving the dwellings of the poor was, for instance, fixed by the Bill as low as four, a number which would not be sufficient to guard against abuse of the important powers which the measure would confer.

Bill read 2^a, and committed to a Committee of the whole House *To-morrow.*

INCUMBERED ESTATES (IRELAND) ACT CONTINUANCE BILL.

Order of the Day for the Second Reading read.

Moved—That the Bill be now read a Second Time.

THE LORD CHANCELLOR explained that the Commissioners, who had made an elaborate inquiry into the whole subject, recommended the permanent establishment of what would be equivalent to an Incumbered Estates Court, but the jurisdiction of which would not be confined to incumbered estates only, but would extend to giving a Parliamentary title for sale to other estates as well. He had not yet had time to consider all the recommendations of the Committee; but it was advisable, by this Bill, to continue the existing Act for one year more; and he trusted that before the end of next Session the recommendations of the Commissioners, either entire, or else modified, as might seem best, would have become the law of the land.

Lord Panmure

LORD BROUGHAM remarked, that the Incumbered Estates Act had proved of the greatest possible benefit to Ireland, and he wished that we had in England something—not precisely of the same kind, which was not needed in this country—but grounded on the same principles, to give better facilities for conveyance of estates, and of obtaining a good Parliamentary title, which would be a very great blessing to landowners and to the purchasers of estates.

Bill read 2^a and committed to a Committee of the whole House *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 12, 1855.

MINUTES.] NEW MEMBER SWORN.—For Evesham, Edward Holland, esq.

PUBLIC BILLS.—1° Accidents on Railways.

3° Education (Scotland); Coal Mines Inspection.

NUISANCES REMOVAL AMENDMENT BILL.

[*Progress*, 10*th July*]. Order for Committee read; House in Committee.

Clause 28 (Nuisances arising in the case of Trades, Businesses, Processes, or Manufactures).

Amendment proposed, in page 14, line 40, at the end of the clause to add the words, "Provided also, That nothing herein contained shall be interpreted to extend to the smelting of metal."

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 25; Noes 27: Majority 2.

MR. WINN KNIGHT said, he did not consider the clause necessary, as the parties whom it would affect would still remain liable to an indictment at common law for any nuisance they might commit. He also objected to it, because it made it compulsory on the local authorities to proceed against any party who should be certified to have caused any effluvia injurious to health. The effect would be to drive many of our most necessary manufactures out of the country. He wished to secure some place in which these certainly offensive, but still necessary trades might be carried on. He would, therefore, beg to propose an Amendment to that effect.

Amendment proposed, at the end of the clause to add the words, "Provided always, That the provisions hereinbefore contained shall not extend or be applicable to any place without the limits of any city or town."

SIR FREDERIC THESIGER said, he fully concurred in the Amendment of his hon. Friend the Member for West Worcestershire, and in doing so could bear testimony to the extreme fairness and candour with which the right hon. President of the Board of Health had met every proposal for amending the measures he had introduced. Trade nuisances might be divided into three classes. The first included cases in which the nuisance was brought for the first time into a neighbourhood; and under those circumstances it could at once be put down. The second class referred to places which they might almost say were consecrated to bad smells. Now, it was not lawful to bring even there a fresh smell, but if the new manufacture were of the same description as those already carried on in the neighbourhood it could not be put down. The third class related to cases where an offensive trade had originally been established at a distance from any house or road, but where the district had afterwards become inhabited. With respect to cases like those it had been held over and over again that if persons who complained had come to the nuisance and not the nuisance to them, they had no remedy. Now, he understood that what his hon. Friend meant was to save the rights of persons who conducted trades that fell within the last category. He believed that the right hon. Baronet the President of the Board of Works was afraid that the word "town" would not include such places as Chelsea or Hammersmith, but the right hon. Gentleman was in error, for there had been several decisions in which the word had been interpreted in its popular sense. He should, however, recommend his hon. Friend to add to his proviso the words "or populous districts."

MR. WINN KNIGHT said, he objected to the addition on the ground that "populous districts" was a very uncertain phrase.

MR. ROEBUCK said, he did not know what was the meaning of the words "populous districts." They had no legal signification, and he was afraid that their adoption would lead to endless litigation and disputes.

SIR BENJAMIN HALL said, he had no wish to drive the trades referred to by the clause out of the country, but he was desirous that where nuisances existed the local authorities should have the power to interfere, and if the party complained against preferred having the question decided by a superior tribunal, instead of by two justices, the next clause would give him the power to put an end to the jurisdiction of the justices on entering into his recognisance to bring the matter before a superior tribunal. He approved the words "populous districts" as affording a definition of the word "town," and he thought he should be doing right in assenting to the proviso, with those words added to it.

MR. HENLEY said, he should support the proviso. The Bill having since its introduction taken the form of a measure for the suppression of those nuisances only which were injurious to health, it would be but wise and fair to make a distinction between places where large numbers of persons were congregated together, and districts inhabited by a scanty and a scattered population.

MR. HUTCHINS said, he strongly objected to the retention of the words "populous districts." The copper works in the neighbourhood of Swansea, for instance, were neither a city nor a town; but they were certainly a populous district, for hundreds of persons had come to live in their neighbourhood; and upon the continuance of those works depended the welfare of the whole population of Glamorganshire. Those works, however, would fall within the operation of the clause.

MR. ADDERLEY said, he would beg to ask the hon. Gentleman if the copper works he had referred to were a nuisance injurious to the health of the neighbourhood, and if so, whether the owners had neglected to use every practicable means to abate it? Because, unless that were so, the provisions of the Bill would not apply.

MR. HUTCHINS said, he could not tell. Those were questions that could only be determined after much litigation.

MR. DILLWYN said, that the health of Swansea was above the average. Considering the immense amount of capital invested, and the hundreds of thousands who gained their bread by those and similar works (for all the metal trades were equally concerned), the House were bound to protect the owners from annoyance on the part of persons in the neighbourhood who complained of injury to their gardens.

Mr. LLOYD DAVIES said, that some years ago an action was brought against the proprietors of the copper works by a farmer in the neighbourhood. The trial took place in Carmarthen, but the point chiefly insisted on was a very irrelevant one, namely, the amount of capital the works had brought into the district. The verdict was for the defendants; but there could be no doubt as to the deleterious effects of the works both upon vegetable and animal life, for cattle were brought into Court suffering from distortion of limbs produced by the contiguity of the works. The proprietors, notwithstanding that they had obtained a verdict, afterwards spared neither ingenuity nor expense to abate the evil; and in every case where the same pains were taken they would be exempt from annoyance from the Bill. Even if a decision from the local authorities should happen to be obtained against them, they would have nothing to do but to appeal to a higher Court, and it would be quashed.

Mr. DILLWYN said, that nothing was wanted to neutralise the effects of copper smoke but plenty of water. The remedy might, no doubt, be easily applied to one establishment; but the river at Swansea would be wholly inadequate if it were attempted to be extended to the entire district. The cattle referred to had not been injured by the direct effect of the works upon the atmosphere, but by the dew becoming impregnated with sulphuric acid falling upon the herbage, and if they pleased, poisoning it. He only knew that he could keep his horses in much better condition at Swansea than in London.

Mr. HUTCHINS said, he thought the arguments of the hon. Member (Mr. Davies) were conclusive against the retention of the words "populous districts," for they might, on the hon. Gentleman's own showing, lead to much litigation and annoyance.

Sir BENJAMIN HALL said, he must remark that in discussing the earlier part of the Bill a great deal was said about the attention which ought to be given to the condition of the poor; but the clauses affecting their condition were nevertheless very speedily passed. They happened now, however, to be discussing clauses which had nothing to do with the poor, and now there seemed to be great difficulty in proceeding with the measure. If the Committee were really merely there to represent the gas companies, the water companies, and the great manufacturing interests only, let it be so understood; but if they were there to represent the public at large, let them not delay the measure by making such exceptions as were now proposed.

Mr. HEYWORTH said, he was of opinion that a particular mode of legislation could never answer any good purpose. At the same time, while they were seeking to preserve the health of the public, they ought not to forget that there were vast multitudes of the population who were dependent for their means of livelihood on those establishments which it was now sought to control by Act of Parliament.

Sir GEORGE TYLER said, he did not think that any hon. Members were open to the taunt of the right hon. Baronet, that they were seeking to Legislate for the rich at the expense of the poor.

Amendment proposed, to add at the end of the proposed Amendment the words "or populous district."

Question put, "That those words be added to the proposed Amendment."

The Committee *divided:* — Ayes 57; Noes 41: Majority 16.

On Question that the clause as amended, stand part of the Bill,

Mr. KENDALL said, he should move its omission. He was of opinion that the clause, if adopted, would either compel the total sacrifice of large manufacturing property, or would seriously depreciate its value. Those manufacturers engaged in the smelting trade would be placed at the mercy of a couple of medical men—perhaps troublesome medical men, for there were such at home as well as abroad. The expenses thus imposed upon the manufacturers would be enough to swallow up all their profits; and the result would be to lower the wages of every miner in Cornwall.

Mr. ADDERLEY said, that it had been coolly assumed that the clause would put down manufactures. Now, it certainly would have no such effect. It merely gave a power to two justices to compel manufacturers to use the best practical means for putting down nuisances. Every hon. Member ought to take a general view of the subject, and not to narrow his view of it according to the interests of his own constituents.

Mr. BARROW said, he objected to the clause, on the ground that it would in effect carry every question arising under it to the superior Courts, and involve the parties in expensive litigation.

Mr. HEYWORTH said, he would refer hon. Members to the removal of Muspratt's chemical works from Liverpool, and afterwards from Newton, by proceedings at law, and he considered those cases were sufficient to meet any case of nuisance.

Mr. HENLEY said, he should support the clause, as it gave the parties indicted the opportunity of showing that they had used all practical means to put down the nuisance, and were unable to do so—a right which they did not enjoy under the present law. In so far, the clause was a remedial measure; it directly protected trade against the common law.

Lord SEYMOUR said, he entertained considerable doubts whether the clause was necessary. The 8th clause defined what should be considered a nuisance; by that (the 28th) clause a remedy before two magistrates was provided, but by the 29th clause it was intended to give the parties the right to have the question tried before a jury at quarter sessions. Why, he should like to know, were certain trades and businesses singled out in the 28th clause? He would suggest that the clause should be withdrawn. When dealing with the manufactures of the country, it behoved the House to take care what they were doing. Nothing was more delicate and susceptible than capital, and nothing was more easily removed. He had known the case of a great English capitalist, influenced by legislative interference, removing vast works to Belgium, and taking with him some of the best skilled English workmen.

Sir BENJAMIN HALL said, that the effect of withdrawing the clause would be, that all persons engaged in the trades and manufactures specified in the clause would be obliged to be proceeded against by indictment. The clause was a mitigating clause, because it allowed the parties to be proceeded against before two justices. He had seen many of the persons who were most nearly interested in that part of the Bill, and they all urged him to press the clause, considering it to be one greatly in their favour, because it would give them an opportunity of mitigating the nuisance by using the best means in their power, and if they should fail to do so, they would then, only in the last event, be prosecuted by the common law.

Question put.

The Committee *divided*:—Ayes 85; Noes 39: Majority 46.

Clause *ordered* to stand part of the Bill.

Clause 29 *withdrawn.* Clause 30 *agreed to.* Clauses 31 and 32 *struck out.* Clauses 33 to 44 *agreed to.*

Clause 45 (Police constables to aid the authorities and officers acting in execution of the Act).

Mr. HENLEY said, he thought the clause unnecessary. The police were bound to give all the aid they could within the limits of their own proper functions—such as that of quelling mobs, and of preventing persons from breaking windows. He thought that if the police were to be considered specially liable to be called upon to enforce the provisions of the Act, it would, in the first place, have a tendency to divert their attention from their more immediate and proper duties, and would, at the same time, create a feeling against them, and would lead to their being employed in a species of *espionage* in matters in which they ought not ordinarily to be engaged.

Sir BENJAMIN HALL said, he had been induced to adopt the clause from having received a return from Dublin showing the beneficial services rendered by the police of the city of Dublin in suppressing nuisances that were injurious to health. He thought if the services of the police were so conspicuous in the case of the city of Dublin, a similar plan could not fail to work beneficially here.

Mr. APSLEY PELLATT said, he was decidedly opposed to the clause, on the ground of civil and religious liberty. His house was his castle, and policemen ought not to be allowed to intrude themselves into a man's private dwelling on all occasions as they did under the stringent provisions of the Smoke Prevention Act. The work ought to be done by officially appointed agents who really understood their business.

Clause *struck out.*

Clauses 46 and 47 *agreed to.*

Clause 48 *struck out;* Additional clauses *added.*

House resumed; Bill, as amended, *reported.*

STEAM COMMUNICATION WITH AUSTRALIA—QUESTION.

Sir JOHN PAKINGTON said, he would beg to ask the Secretary of State for the Colonies whether he had received a copy of the circular despatch from Governor

General Sir William Denison to governors of other Australian colonies, submitting heads of plan for the establishment of a monthly line of steam-packets to England, estimating the amount to be paid to a company or companies for that accommodation at 100,000*l.* per annum, and proposing that three-fifths of the required amount should be borne by the Home Government and two-fifths by the colonies? Whether he had received a copy of an Address presented by the Legislative Council of Victoria to the Governor of that colony, expressing surprise and regret that the Home Government had suffered frequent and quick communication with England by steam to cease, and expressing their readiness to bear their fair share of the cost of renewing it, to an amount not exceeding 50,000*l.* per annum? Whether Her Majesty's Government had given their attention to this subject, and how far they could hold out a prospect of the early re-establishment of steam communication with Australia?

Lord JOHN RUSSELL said, he had received a despatch on the 2nd of the present month with respect to steam communication with Australia to the effect mentioned by the right hon. Baronet; but the Governor, Sir William Denison, said that the project brought forward had not received the assent of the other colonies, and no company was willing to engage in so large an undertaking without being assured by something more than a simple Resolution, and that it would be necessary to have a law on the subject. With respect to the colonies of New South Wales, Van Diemen's Land, and New Zealand, no answer had been received; but with respect to Victoria there was a despatch expressing deep regret that, owing to the great pressure for steam transports for conveying troops and stores to the Crimea, the steam communication with the Australian colonies had been interrupted. The colonists of Victoria stated that they were ready to propose an expenditure of 50,000*l.* on the subject. During the short period since the despatch had been received he had been much occupied with other business, but he had been in communication with other departments of the Government, in the hope of establishing a steam communication with the Australian colonies. The subject was one of great importance, and the Government would pay due attention to it.

Sir J. Pakington

THE TURKISH LOAN—QUESTION.

Mr. COBDEN: I wish, Sir, to put a question to the noble Lord at the head of the Government. My hon. Friend the Member for Stoke-on-Trent (Mr. J. L. Ricardo) asked the noble Lord the other day whether he was prepared to lay upon the table the terms of the convention for guaranteeing a loan to the Turkish Government. I understood the noble Lord to say the convention was not concluded. Last week a message was sent by the French Government to the Chamber of Deputies of that country, giving full details of the convention entered into between England, France, and Turkey for the guarantee of a loan of 5,000,000*l.* sterling to the Turkish Government. I wish to ask whether the noble Lord is prepared to furnish similar information to this House, and whether we shall have time for the full consideration and discussion of that question.

Viscount PALMERSTON: The hon. Member misunderstood my answer. I did not say the treaty was not concluded. I said it had been concluded, but the ratifications were not exchanged. Until the ratifications are exchanged it is not a binding treaty on all parties. I stated, also, it was a joint guarantee for a loan of 5,000,000*l.*

Mr. COBDEN: Will the noble Lord say when the ratifications will be exchanged, and when we shall be placed in the same position as the Assembly of France?

Viscount PALMERSTON: We have taken measures to exchange ratifications at the earliest possible moment. The ratifications have been sent out to Constantinople, to be exchanged there with the ratifications of the Turkish Government, and by that means time will be saved of sending here and to Paris the ratifications of the Turkish Government. I am not able, of course, to state the day, but it will be done as soon as possible. The convention will require the sanction of Parliament before it has force.

Mr. COBDEN: I observe it stated in the French account that the convention was concluded on the 27th of last month. Is that so? The words of the French Government are—"*convention conclue.*"

Viscount PALMERSTON: It was signed by the Plenipotentiaries on that day.

Mr. J. L. RICARDO: I want to know

whether the noble Lord means, by a joint guarantee, that the whole 5,000,000*l.* are guaranteed by the French and English Governments, or that each Government guarantees one-half — that is to say 2,500,000*l.* each on their own account?

Viscount **PALMERSTON**: It is a joint guarantee for the whole.

Subject dropped.

CONFERENCES AT VIENNA—THE AUSTRIAN PROPOSALS.

Viscount **PALMERSTON**, having brought up the papers respecting the Austrian proposals, said: These are papers, Sir, connected with the late negotiations at Vienna, and I may be allowed, perhaps, to take this opportunity, though not very strictly in order, of adverting to the notice which stands in the name of the right hon. Gentleman (Mr. Disraeli) for this evening, that he will move that the orders to-morrow be postponed for the purpose of enabling the hon. Baronet (Sir B. Lytton) to bring on his Motion. I wish to state, for the convenience of the House, that to that Motion Her Majesty's Government feel it their duty to object, and for this reason—these papers will not be in the hands of Members until to-morrow, and we think it not fair or right that the House should come to discuss the question so early as to-morrow, when Members will not have had opportunity or time to read the papers or inform themselves of their contents. Beyond to-morrow we shall offer no impediment to any arrangement which the hon. Baronet may have made with regard to his Motion.

The Question having been put, that the papers do lie on the table,

Lord **JOHN RUSSELL** said, I will take this opportunity to refer to a statement which was made in my absence by the right hon. Gentleman (Mr. Disraeli), or rather it was a question addressed to me by the right hon. Gentleman—whether or not I had obtained Her Majesty's consent to the statement I had made with respect to the proceedings of the Cabinet of which I am a Member? Now, Sir, what I had stated with regard to the Cabinet was either perfectly known, or might have been inferred, from the course of events which followed. Count Buol had thought proper to issue a circular, which appeared in the public papers, in which he refers to confidential communications with M. Drouyn de Lhuys and myself. I stated that those communications had been considered by Her Majesty's advisers. I believe that no one could suppose, seeing in the public papers that the Austrian Government had made propositions with the view either to put an end to hostilities or to take part in the war, that the English Government would have refused to look at or consider those propositions. I stated further, that upon a full consideration these propositions had not been assented to. I conceived that every one might have been aware of that, because, if they had been assented to, there must have been further communications with Russia, and further conferences. The fact would have been notorious that negotiations were going on, instead of its being stated, as it was in this House, that the negotiations were closed. So that, in fact, there was nothing in what I stated which seemed to me to make it necessary for me to ask the leave of Her Majesty to communicate. As, however, the right hon. Gentleman has raised the question, I have submitted the subject to Her Majesty, and Her Majesty has been graciously pleased to sanction the statement which I made. Having made this explanation to the right hon. Gentleman, I may, perhaps, be allowed to say that, with respect to what I stated on a former night, a very erroneous inference has been drawn. As so much had been published, I thought it necessary to state what the Austrian propositions were, and what was my opinion with respect to them. It has been inferred and supposed, because I said that at the end of April and in the first days of May I thought those propositions might have been assented to, that I think now, at the present moment, those propositions may form a foundation for peace. Such a supposition would be totally erroneous. It is entirely contrary to the fact that I consider now those propositions would form the foundation of peace. It was my opinion —and, as I stated the other day, I retain the opinion as to what might have been done; but, after the events and proceedings which have since occurred, I believe nothing but a vigorous prosecution of the war will obtain terms upon which a satisfactory peace can be concluded.

Mr. **DISRAELI**: Sir, it occurs to me that as the First Minister of the Crown has not thought fit to fix a day for the discussion of the Motion of my hon. Friend (Sir B. Lytton), it would have been more consistent if his noble colleague had not taken this opportunity to make a statement explanatory of the lengthened and matured narrative with which he favoured the House of Commons on Friday night, and which has so greatly disquieted the public mind. Now, Sir, I do not see that the statement which the noble Lord has made at all changes his situation with regard to the House, and, as respects the narrative which he made on Friday night, I did not hear that anybody then hinted as a consequence of the speech of the noble Lord, that he was at this moment of opinion that peace ought to be negotiated with Russia upon the basis of the propositions which he approved at the time he has now mentioned. That was a point which was not at all brought under consideration. What did startle the House, and I think I may say, greatly disquieted the public mind of this country, was that it came out, not by hazard, but with notice formally given, and evidently in a manner well matured, it came out on the part of the noble Lord that he had returned to England with a project of pacification which he approved, but which I believe the great majority of the House and of the country, neither at that time nor at the present time, would sanction; that he had recommended that project to his colleagues; that, in consequence of their ultimate refusal to adopt it, he had felt he was bound to consider whether it was not his duty to retire from the Government; and though, influenced by other considerations, he remained a member of the Administration, he shortly afterwards came down to this House and made a speech which conveyed to the country the impression that he was an uncompromising advocate of the war; that he had returned from Vienna with the conviction that an uncompromising prosecution of the war was absolutely necessary, and conveying also to the House the idea that he was convinced, from his experience in the Conferences at Vienna, that any attempt at negotiation with any reasonable hopes of success was utterly impossible—thereby conveying to Parliament and the country an impression which seems to me, and I think I may say to the majority of the House, to be utterly inconsistent with the facts of the case. Now, Sir, I do not think the statement which the noble Lord has just made—the announcement to the country that he is really in favour of a vigorous prosecution of the war—will greatly reassure the daunted spirit of the nation. Sir, I make no remark upon the observations of the noble Lord with respect to the question I was obliged to put in his absence on Tuesday night—a most constitutional question. The noble Lord has admitted that he had not the Royal sanction to make the communication with respect to what had taken place in the Cabinet with which he favoured the House the other night. He seems to think it was a matter of course that he should detail such facts to the House—that we had other means of getting the information with which he favoured us. But what really took place? The noble Lord informed the House that there had been discussions and differences of opinion in the Cabinet; that, in consequence of those discussions and differences of opinion on the most important subject of the age, the noble Lord even contemplated the necessity of tendering his resignation; that he was influenced by other considerations not to take that step, and then the noble Lord says we might have learnt all this from the usual organs of information, or from the circular of a foreign Minister. I differ entirely from the noble Lord. I say it was totally impossible for the House of Commons to have become aware of such a state of affairs had it not been for the communication of the noble Lord; and in making that communication, the noble Lord favoured the House with details of the confidential councils of Her Majesty. I have yet to learn that the noble Lord was authorized to take that step without having previously obtained the gracious sanction of Her Majesty. I have now to address myself to the remarks of the First Minister of the Crown, who seems to think that I was irregular in making those observations. Now, Sir, the noble Lord has found fault with the notice of Motion which I have placed upon the table for to-night, which was necessary to insure to the Motion of my hon. Friend the Member for Hertfordshire an opportunity of being brought forward to-morrow night. Let me ask the House to remember for a moment the circumstances under which that notice was given. It was on Friday night last that the noble Lord made that speech which has created so painful an impression upon the country. My hon. Friend the Member for Hertfordshire only anticipated, I am sure, the general feeling of the House and of the country in his conviction, that no time should be lost in bringing the opinion of the House to bear upon the statement of the Minister. What was the position in which the House and the country found themselves placed after the debate of Friday night? Here we are involved in a war of magnitude—a war which certainly demands the exertion of our utmost energies, and, on the part of the nation, that firmness of spirit which can only result from having a clear idea of what is at stake, and a conviction that those who are intrusted with the management of affairs are determined to use their utmost efforts in pursuance of that policy which the country has sanctioned. They suddenly find, at the very moment that one of the most eminent members of the Cabinet—an individual who has himself occupied the exalted position of First Minister for several years—they suddenly find that at the very moment when, some weeks ago, that noble Lord was addressing the country through this House, in a tone which conveyed to them the conviction, on his part, that this country was embarked in one of those great struggles which affect the destinies of nations, and that we should summon all our energies for the contest—that a very few days before that address was made, the noble Lord had recommended to his colleagues to end the quarrel in a manner which, if it be sanctioned by Parliament, proves that there is no issue at stake to justify the immense exertions we have made, and are called upon to make. I say the speech of the noble Lord on Friday night has greatly disquieted the public mind, and it has become inevitable that not a moment should be lost in taking the opinion of Parliament on the position of the Government, as at present constituted, and of taking a direct vote whether we have confidence in councils so swayed at a moment of such national exigency. It happens that we know from a declaration made by a member of the Administration, who was most competent to give proper information on the subject, that the House is to go into Committee of Supply to-morrow. Well, that was the earliest opportunity my hon. Friend the Member for Hertfordshire could command, and it was also the most constitutional one. It is on such occasions that the grievances of the people should be brought under the consideration of this House for redress and remedy, and I want to know what national grievance is so great as that the country should be involved in a war of magnitude conducted by Ministers who are not unanimous in opinion as to the necessity for that war? Well, my hon. Friend (Sir B. Lytton) gave his notice, and what then happened? The noble Lord the Leader of the House instantly changes the order of business for Friday, and with the recollection of last Friday's debate still in his memory, and knowing, as every gentleman in this House knows, whatever his opinions may be, that no other subject than that has occupied the public mind since the notice of my hon. Friend was given, the noble Lord, when asked, in due form, what business he would proceed with on Friday, says, with great composure, "The New Partnership Bill and the Limited Liability Bill." These are the measures of deep and absorbing interest which are to be introduced to the consideration of the House of Commons at a moment when there is not a man walking the streets of London who is not asking, "What is to be the fate of my country if it is involved in a great war, and that war is to be prosecuted by a Cabinet which is not unanimous as to the necessity of the war? The new Partnership Bill? What the people of England want to know is the condition of the partnership in Downing Street. They want to know whether the principle of limited liability is prevalent in that locality, or whether the people are still to enjoy that general and collected responsibility of Ministers of the Crown, which hitherto has been the salutary and constitutional practice. Sir, the noble Lord seemed to demur to an observation of mine just now—he seemed to express his incredulity at my statement, that it had been his intention to go into Committee of Supply on Friday night. Well, suppose it was not his intention, I say it was the duty of the noble Lord to go into Committee of Supply. All I can say is I received authentic information—it was known to many Gentlemen on both sides—that the Government would go into Committee of Supply on Friday. But if that was not the intention of the noble Lord, I say—after the notice of my hon. Friend—he should have said, "We will give the earliest opportunity for testing the opinion of the House of Commons upon a question of this kind." Why, Sir, heretofore it has been the invariable custom of Ministers, when the confidence of the House in their policy has been questioned, to bring the matter as speedily as possible to an issue. But let the House consider the peculiar circumstances under which the question of confidence in the Government, as at present constituted, was to be brought forward by my hon. Friend the Member for Hertfordshire. It is not merely England, but it is Europe, that is watching anxiously for the discussion now impending. I should have thought that the noble Lord would seize the earliest opportunity to settle a question so important, and would not have remained with the energies of the Government paralysed, and the character of the Government impaired, by a Motion of this gravity impending over him. It is the general feeling of the country, and, I may say, without prejudging the issue of the discussion, of the House also, that upon this subject an early, an immediate, and, I will add, a complete discussion ought to take place. Now, Sir, what does the noble Lord say to-night? He says:—"Here are some papers which ought to be placed on the table, and which ought to be read by hon. Members before they venture to express any opinions upon the Motion of the hon. Member for Hertfordshire." Well, I must say, with my view of the question at issue, that it is one which can be but little affected by any papers which can be laid upon the table. We have something more authentic than any diplomatic documents to guide our judgments on the present occasion. We have the most authentic evidence in the world. We have, Sir, the speech of a Cabinet Minister, the principal actor on the scene; and it is on his own confession, on his own revelations, on his own evidence, that I am perfectly prepared to form my opinion and to give my vote. No doubt, if the Minister rose and said that he thought it would be more consonant with justice—and which I hope will ever pervade and influence the discussions of this House—not to proceed with the debate to-morrow, the House would have assented to his proposal. I should not have raised any objection to the course he proposed if he had acted with frankness, and said he would allow the discussion to come on upon Monday; or if he had said, "When you have digested these papers I shall be prepared to give you a day." Did the noble Lord say that? No; the noble Lord stated that in the course of next week, perhaps, the hon. Gentleman might find an opportunity to bring his Motion forward. [*Cries of* "No, no!"] I appeal to the House if it was not so. Did the noble Lord say that he would go into Committee of Supply on Monday? Not a word of it; and I dare say he intended to take the Scotch Education Bill on that day, or if not then, to conclude the debate on the Limited Liability Bill, and, perhaps, take a vote upon that all-interesting subject. If the noble Lord says that on Monday he will go into Committee of Supply, so that my hon. Friend may then bring forward his Motion, and so that we may have a full discussion on this important subject, of course I shall not trouble the House with the Motion which I have placed upon the paper. Whatever I may think of the influence of these documents upon our opinion, it will be quite enough for such an intimation to come from a person in the position of the noble Lord to induce me to accede to it. But at the same time I say that it ought to be coupled with a clear intimation from the noble Lord of the time when the discussion will take place. If the noble Lord had risen to state that on Monday the discussion would take place, all that I should have done would be to ask the permission of the House not to press the Motion of which I have given notice for this evening. Of course, I shall persevere with that Motion, and shall ask the opinion of the House upon it unless I obtain from the noble Lord that which I am sure hon. Gentlemen on both sides of the House expect—namely, an intimation that hon. Members will receive these papers to-morrow, and that he will on Monday next either give my hon. Friend a day on which to bring forward his Motion, or go into Committee of Supply and allow him to fulfil his original intention.

VISCOUNT PALMERSTON: Really, Sir, I must say I think the right hon. Gentleman has made "much ado about nothing." In the first place, with regard to what passed upon a former occasion, I am not aware that my hon. Friend fixed the Committee of Supply to take place on Friday otherwise than in the way in which the Committee of Supply is always postponed, as a matter of course, from one Supply day to another. But this I will say, that if I had fixed the Committee of Supply for Friday, seeing the condition in which the House is placed with regard to the Motion of the hon. Baronet (Sir B. Lytton) seeing that the papers, with all the efforts that have been made to expedite them, could not be laid upon the table till to-night, and that they would not be in the hands of hon. Members till to-morrow, I should have pursued in regard to the Committee of Supply the same course which I announced my intention of pursuing with regard to the Motion of the right hon. Gentleman—namely, I should have postponed the Committee of Supply, as I intended to oppose the Motion, for the special and avowed purpose of deferring the discussion of the question until the papers had been in the possession of hon. Members time enough to enable them to read them. I do not shrink from the avowal that I should have taken that course if it had been necessary for me to do so. But, Sir, the right hon. Gentleman, as I have already said before, makes "much ado about nothing," because what I stated was this:—I stated my objection to take a discussion to-morrow on the Motion of the hon. Baronet the Member for Hertfordshire, and also the reason why I entertained the objection; but I said that after to-morrow I should throw no difficulty in the way of any arrangement which the hon. Baronet might desire to make. Well, Sir, the right hon. Gentleman objects to the *totum* as not including the *pars.* Why if I gave the hon. Baronet a whole week, surely I gave him Monday, if Monday would suit him. It was not for me to settle matters between the hon. Baronet the Member for Hertfordshire (Sir B. Lytton) and the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck), who has a notice upon the paper for the next day. I think it would have been very unbecoming for me to fix a positive day for the discussion of a Motion which might last probably more than one day. I thought that it would be best not to interfere with the Motions of hon. Members, and I left them to make their own arrangements. At the same time I am perfectly prepared to say that if the hon. Baronet wishes to make his Motion on Monday, on Monday I will move the Committee of Supply. I have no wish to shrink from the discussion, and I have nothing whatever to gain from postponing it. I quite understand, and I am sure the House will understand, that the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), having found that several Motions of censure and want of confidence in Her Majesty's Government had failed, in consequence of the House understanding the subject that was to be discussed, was desirous of hurrying on the Motion of the hon. Baronet before hon. Members had made themselves properly acquainted with the question. It was a perfectly legitimate tactic on the part of the right hon. Gentleman, and the House will quite comprehend it. It shows exactly the right hon. Gentleman's appreciation of the case which he has to urge, inasmuch as he feels the great importance of enabling the House to come to a decision upon the subject before they know anything of the real matter under discussion. I have now only one word more to add with regard to the remarks of the right hon. Gentleman with respect to what has fallen from my noble Friend (Lord J. Russell). The right hon. Gentleman is not satisfied with the remarks of my noble Friend as to the statement which he made on a former occasion, respecting a decision of the Cabinet, but he seems to think that, in stating generally that a certain proposition was considered and not adopted, my noble Friend forgot his duty as a Privy Councillor. Why, seldom a week passes in this House that some Member does not get up in his place and ask Her Majesty's Government whether they will agree to certain things, or whether they have adopted a certain measure. It is absolutely necessary that we should state what the decisions of the Government are; but I never before heard any Member pretend to say that the announcement in public, either in this House or elsewhere, of the decision of the Government upon any given proposition was a departure from the duty of a Privy Councillor or a betrayal of the secrets of the Cabinet. It would be perfectly impossible to carry on the business of this House in a manner satisfactory to the House and to the public, if the Members of the Government were never to be allowed to state what was the general decision of the Government upon any question which might be brought before them. At present I shall not enter into any further details, but I hope that I have satisfied the right hon. Gentleman that he and his hon. Friend (Sir B. Lytton) may have Monday to do what they please with it, and that the hon. Baronet will meet with no obstruction in bringing forward his Motion.

SIR BULWER LYTTON: Sir, the noble Lord has said that my right hon. Friend (Mr. Disraeli) has made "much ado about nothing." I am not surprised to hear such an observation from the noble Lord, for, if I am not much mistaken, in point of chronological order "Much Ado about Nothing" comes just after "the Comedy of Errors." As to the production of the papers, I do not think anything they contain can in any way enlighten the House upon the question it is my intention to submit to it. I am glad, however, that hon. Members will have an opportunity of looking into them before we go into that discussion. It is not my wish—nor do I believe it to be the wish of any Member of the House—that anything unfair should be done towards the Government. And if there be a single point upon which an error can be removed by the information which the papers contain, I shall be glad that the House should make itself thoroughly acquainted with all the matters contained in these documents. So far as they are concerned, I willingly accept the excuse offered for this delay by the noble Lord. And upon the understanding that the papers will be in the hands of Members to-morrow, I accept the day the noble Lord proposes to give me. Will the noble Lord, however, allow me to observe—as it was suggested to me—it would be more convenient and more suited to the gravity of the question, if he would allow me to bring it forward as a substantive Motion, rather than as an Amendment to the Motion for going into Committee of Supply? I am to understand that I am to bring forward my Motion on Monday next.

VISCOUNT PALMERSTON: I have no objection.

SIR BULWER LYTTON: Then I have nothing further to say, except that I accept the day which the noble Lord has proposed.

SIR JOHN WALSH said, he was anxious that the subject should not drop before the attention of the House was called to the striking discrepancy that existed between the statement of the noble Lord (Lord J. Russell) that evening, and that which he had made on a former occasion. In describing the substance of Count Buol's circular, he (Sir J. Walsh) had at that time referred to the fact that Count Buol stated that he was prepared to submit an *ultimatum* to Russia, founded on the proposals which he had laid before the noble Lord; that he was prepared, if these proposals were adopted by England and France, to lay them before Russia in the shape of an *ultimatum*, and to make it a *casus belli* if Russia should refuse to accept it; and that the noble Lord gave his full adhesion and approval to those proposals, and agreed to press their adoption upon his Government with all the influence he possessed. The noble Lord, however, in the statement with which he had just favoured the House, had entirely omitted to notice those material circumstances which identified him personally, in the eyes of Europe, with the acceptance of these propositions, and merely observed, in a sort of cursory manner, that of course, as a matter of courtesy to Austria, it followed that he should not reject and refuse them; that they were submitted on his return to the Cabinet, and that the Cabinet rejected them. He (Sir J. Walsh) thought the important point as regarded the noble Lord was that, according to the statement of Count Buol, he had identified himself personally with the proposals which had been made; that he had agreed to support, and had given his whole adhesion to them; and that, when he had been requested either to affirm or to deny the correctness of Count Buol's statement, he had acknowledged its accuracy in the most comprehensive terms. That was a most material difference, and he should be unwilling that the House, many of the Members of which might have been absent when the noble Lord replied to his question, should take their impression from the extremely slight and soft statement with which the noble Lord had favoured the House that evening. Before he sat down he might address a few observations with reference to the two Motions of which notice had been given. It was perfectly true, as had been suggested, that the Motion of the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck), and the hon. Baronet the Member for Hertfordshire (Sir B. Lytton) were so similar in character that they involved the same considerations, and, no doubt, there would be some inconvenience if they were both pressed simultaneously on the attention of the House. It was very probable, considering the magnitude of the question and the importance and comprehensiveness of the subject, which would be opened by the Motion of the hon. Baronet, that the debate upon that Motion would be adjourned. Now, what was the present position of the House with respect to the question of foreign policy at the present moment? His right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) brought forward his Motion before Whitsuntide. That Motion bore upon the state of things existing at that time—there was an adjourned debate. Whitsuntide intervened, the negotiations were brought to a close, and all the important changes took place which resulted from the close of the conferences. The papers were quite ready at that time to be submitted to the consideration of the House, and they ought to have been enabled to form a conclusion on the complete state of things. The Motion of the right hon. Member for Portsmouth (Sir F. Baring) was, therefore, nugatory, and conveyed no expression whatever of the real sentiments of the House upon that important question. Two questions would now be raised by the Motion of the hon. Baronet the Member for Hertfordshire—first, a question involving the individual character of the noble Lord the Member for the City of London as a statesman, and the claim which he would hereafter have on the confidence of the House and the country. Considering the importance of the position filled by the noble Lord in that House as well as in the country, that question was by no means a light one. But there was another question not less important. It appeared clearly from the statements which had been made, that there had been two parties in the Cabinet, of which the noble Lord was a Member, one inclining to the acceptance of the last Austrian proposition, and another against that acceptance. He presumed that, as those propositions had been rejected, the noble Lord at the head of the Government had supported that side of the question. Still it was a most important question to decide, whether he was right or wrong in rejecting those Austrian propositions and prosecuting the war. That was the real question of peace or war, as it now stood before the House, and it was a subject of so large a nature, embracing so many considerations, that he did not think it could be determined in the course of one evening. He put it, therefore, to the hon. and learned Gentleman the Member for Sheffield, whether it would not be desirable to make some arrangement by which his Motion should not interfere with the progress of the debate on the Motion to be brought forward by the hon. Baronet the Member for Hertfordshire?

MR. ROEBUCK: Sir, the House will probably consider that I ought to make some statement after the appeal which has been made to me. I believe that the question about to be proposed by the hon. Baronet the Member for Hertfordshire is really one of the most important that can be submitted to the House. I think that the two questions ought not to be before the House at the same time; and, therefore, if the debate should be adjourned on Monday I shall accede to the wish of the House, and postpone the Motion of which I have given notice. I have only one object in view, and I believe that I shall best attain my object by adopting that course.

LORD JOHN RUSSELL: Sir, after what the hon. Baronet the Member for Radnorshire (Sir J. Walsh) has stated, I must say that nothing which I have said this evening is at all inconsistent with the answer which I gave upon a former occasion.

MR. HUTT said, he would beg to inquire of the Government whether the circular of Count Buol was among the papers to be laid on the table of the House?

VISCOUNT PALMERSTON: I do not think that that circular is in the possession of Her Majesty's Government.

The papers were then ordered to be laid upon the table.

EDUCATION (SCOTLAND) BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

SIR JAMES FERGUSSON said, he must ask the indulgence of the House while he made one effort more to defeat a measure, the passing of which he should much deplore. The preamble of the Bill, in the first place, cast a slur upon the Church of Scotland, into whose charge the schools had been committed, which drew from its members a strenuous opposition to the Bill. It was to the efforts of the Church in Scotland that the successful education of the people was owing, and its members disapproved the mode of government by a central Board in Edinburgh, the religious qualifications of the members of which were not tested. If they could secure a certainty that the schools would be conducted upon Presbyterian principles, he might feel justified in withdrawing his opposition; but the most important powers were given to the Board—the power of examining schoolmasters, of deprivation and censure, of forcing the ratepayers to erect schools, and of taxing them for their support. Such powers ought not to be given to a Board when there was no security that it would be composed of members belonging to the Church. He should therefore move, as an Amendment, that the Bill be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question put, "That the word 'now stand part of the Question."

The House *divided*:—Ayes 105; Noes 102: Majority 3.

Main Question put, and *agreed to*.

Bill read 3°.

THE LORD ADVOCATE said, he would now propose the addition of a clause, providing that—

> "In parishes in which schools have been established under the third recited Act it shall be lawful to the Committee of Privy Council to contribute such sum to the salary of the schoolmaster of every such school as will, in addition to the sum provided under the said Act, raise the same to a sum not less than 20*l*., nor more than 34*l*.; and the Board, on the report of the inspector, may direct that any such school shall be placed on the footing of a public school; and in that case the sum provided by the said Act shall continue to be paid as heretofore, and the remainder of the salary shall be contributed in equal proportions by the ratepayers and the Committee of Council; and the school-house, school buildings, and other accommodations shall thereafter belong to and be maintained by the same parties who would have had the property and control of the same if a public school-house had been provided under this Act, and such school shall in all other respects be thereafter conducted and maintained as a public school under this Act."

MR. W. WILLIAMS said, the clause would give a large taxing power to the Board over the people of Scotland.

MR. HADFIELD said, he must again protest against proceeding with a Bill, the third reading of which had been carried by so narrow a majority as three, and to which he was justified in saying the popular feeling of Scotland was opposed. He would appeal to the good sense of the Government, whether it was wise under the circumstances and at a time when a vital question involving the fate of the Ministry was impending, to cast the firebrand of religious bigotry amongst the people of Scotland, which the Bill now before them would have the effect of doing? It was a Bill for benefiting one or two denominations at the expense of all others. Generally speaking, the people of Scotland were opposed to all State interference and State assistance in matters of religion and education, and would not accept it. The United Presbyterians would not touch the State money for such purposes, and the result would be, that one or two denominations, and those alone, would receive assistance under the Bill.

MR. W. LOCKHART said, that the representatives of many of the largest towns in Scotland who were originally in favour of the Bill, in consequence of the change in the public mind of that country on the subject, had in the division which had just taken place reversed their previous votes, and had done so in a manner most honourable to themselves. He trusted that the Government would in like manner pay respect to that change of opinion, and not press the measure.

MR. DUNCAN said, he had supported the Bill at each of its previous stages, but had felt it his duty to vote against the third reading. The Bill, as it now stood, was most objectionable in many respects. Under it the boroughs would be but little better than taxing machines in the hands of the inspector, the magistrates, who were the best judges of what was required, being practically powerless. He had been most desirous of carrying an Education Bill that should be practically useful, but with the restrictions which now incumbered it, he had no hesitation in saying that the measure now under consideration would be received with great dissatisfaction. There certainly were Amendments on the paper, which, if carried, would tend to remove some of the objections to the Bill, particularly that of the hon. and learned Member for Greenock (Mr. Dunlop), which he should support.

MR. COWAN said, he concurred very much in the views of his hon. Friend who had last addressed them, although he had differed from him in the course he had taken, and had voted with the majority in favour of the third reading. If, however, the Motion had been "that the Bill do pass," he should certainly have felt inclined to vote in the negative. The reason for that was, that the various Amendments on the paper, and particularly that of the hon. and learned Member for Greenock, afforded him the hope that possibly the House might reverse the decision to which the Committee had come. There was a great deal of good in the Bill, but, in his opinion, it had been very much impaired in its progress through Committee. He regretted exceedingly the change which the Government had introduced some time ago, by which, as regarded the Roman Catholics and Episcopalians, the Bill had been made a denominational Bill. The effect of such an alteration would be to confuse the system of education in Scotland, and to make it no longer thoroughly national. Now, according to his judgment, a system of education ought to be either national or denominational — not mixed; and he could not, therefore, conceive anything more prejudicial than such a continuance of denominational grants as had been promised by the noble Lord at the head of the Government. He regretted, on account of the Lord Advocate himself, that his right hon. and learned Friend had no longer a prospect of passing the Bill, for he was sure no one could have devoted himself to a thankless task with more singleness of purpose and a more earnest desire to promote the welfare of those for whom he was legislating. But, if defeated now, he hoped that in another Session, hon. Members on both sides, putting aside extreme views, would concur with his right hon. and learned Friend in a measure which would so tend to advance the best interests of the people of Scotland.

Sir JAMES ANDERSON said, he had very cordially supported the Bill hitherto, in the hope that some of the clauses which he thought objectionable would be expunged. He was connected with the United Presbyterian Church, a great majority of whom had supported the measure as he had done, approving of its principle, though they objected strongly to the religious element infused into it, and held that the State, while it might beneficially legislate for the education of the people, had no right to interfere with the teaching of religion. He admired the benevolent feelings by which the right hon. and learned Lord Advocate had been actuated in bringing forward the Bill; but, at the same time, he was very sorry to have come to the conclusion that night, that he had entirely failed in carrying out his object, and that if the measure passed it would be a bone of contention to the people of Scotland, and would not promote the cause of education there. He had, therefore, been obliged, though with great reluctance, to record his vote against the third reading.

Mr. W. EWART said, he had felt very strongly disposed to join the hon. Member for Dundee (Mr. Duncan) in his opposition to the Bill, but he thought it more expedient and more just to give it the last chance, and to see what became of the Amendments upon the notice paper. He gave the Lord Advocate full credit for the motives which had induced him to bring forward the measure, but he thought some further time ought to be afforded to the people of Scotland, who were much divided in opinion on the subject, for considering its provisions. If the Amendment of the hon. and learned Member for Greenock, the object of which was to replace the measure on its original basis, should not be adopted, he should feel it his duty to vote against the passing of the Bill.

Mr. CRAUFURD said, he could not avoid expressing his surprise that some of his hon. Friends who had joined him in endeavouring to improve the measure had, now that it had reached its last stage, turned their backs upon it altogether. He would ask those hon. Gentlemen whether they were prepared to oppose all progress on such an important subject because they could not obtain everything they desired? He thought the Bill contained some very beneficial provisions, and, regarding it as an instalment, he considered that it should be supported by all who were anxious to promote education. He had entertained some objection to those compulsory powers which would be conferred by the Bill; but, on consideration, he thought that, as great necessity existed for extending the means of education in Scotland, perhaps the wisest course would be, in the first instance, to give those compulsory powers. Last year there was a unanimous expression of regret in Scotland that the Bill had not passed, and there was a hope that a similar measure would be passed during the present Session; and he did not hear that any change of opinion had taken place on the subject.

Mr. ALEXANDER HASTIE said, he had very carefully considered the provisions of the Bill, and had arrived at the conclusion that it was not likely to benefit his country or to promote concord among his countrymen. He did not mean to say that the parish clergymen of Scotland had not acted well in the position in which they had been placed, but he thought one objectionable feature of the Bill was, that it would leave them the same monopoly of parochial education which they now possessed. The Bill would establish a system of education which could only be accepted by the Free Church and the Established Church, and which would be rejected by the religious body with which he was connected. He had voted against the third reading of the Bill, and if an opportunity were presented he would record his vote against its passing. He hoped that, seeing the very small majority in favour of the Bill on the third reading—105 to 102—and that there was not the least chance of its passing in another place, the right hon. and learned Lord would let the Bill share the fate of some others, and withdraw it from the House. There was, no doubt, some want of education in Scotland, but that want, he believed, was being rapidly supplied by the voluntary contributions of the people.

Clause *agreed to.*

THE LORD ADVOCATE said, he would now move the following additional clause:—

> "If any person or persons shall wilfully refuse to perform any duty incumbent on him or them under this Act, it shall be in the power of the General Board to apply by summary petition to the Court of Session, setting forth such refusal; and it shall be in the power of the Court, on considering the same, after such intimation and service as they may think necessary, to authorise the Board to perform or to provide for the performance of such duty in such way and manner as the Court may direct: provided always, that nothing herein contained shall be construed to limit any remedy at law which any party might have in respect of such refusal."

MR. BLACKBURN said, the clause was very objectionable in itself, and so was the principle of bringing up so many additional clauses to a Bill at that late stage. The Bill was so vaguely worded, that it was found requisite to put the powers of Parliament into the hands of the Court of Session in Scotland. That was the object of the clause, and he should vote against it, therefore, if the clause went to a division.

THE LORD ADVOCATE said, the clause was necessary for the due enforcement of the law. It was absolutely necessary that such a power should be vested in the Court of Session in cases where a party who was bound to perform certain functions or do certain acts wilfully neglected to do so, and it was only in such cases that it was to be exercised.

MR. F. SCOTT said, the clause was a most objectionable and arbitrary mode of legislating on a subject on which there should be nothing but harmony. He did not see how the noble Lord at the head of the Government, after what had passed, could persist in forcing such a Bill down the throats of the Scotch public. He hoped, however—though the Bill was, in his opinion, a dead Bill—that the right hon. and learned Lord Advocate would state to the House that he should not proceed further with it.

MR. WHITESIDE said, any person enjoined by statute to do a particular duty could, by the law of England and Ireland, be compelled to discharge the duty if he neglected it; but by the proposed clause, the Court of Session was to provide some one else to discharge the duty. He wished to know whether the law of Scotland differed in that respect from that of other countries?

THE LORD ADVOCATE said, it was the law of Scotland, as of every other country, that, if any one neglected a statutory duty, he could be punished; but in the present case it was most material that the action of the Bill should not suffer in the event of persons refusing to obey the statute. A person, for example, might illegally decline to call a meeting, and it was right, therefore, that the Court of Session, being satisfied upon the point, should have power to authorise the Board to call such a meeting.

Clause *agreed to.*

LORD WILLIAM GRAHAM said, that as the Bill would probably not pass through another place, he would appeal to the noble Lord at the head of the Government to say whether he meant to go on with the Bill.

VISCOUNT PALMERSTON said, he certainly intended to take the sense of the House upon the question of passing the Bill, as it had been very deliberately considered, and, in his opinion, it was a very good measure. The opinion he had expressed upon its merits had not been shaken by the sudden conversion of some of the hon. Gentlemen near him at the last stage of its progress. He knew that a pressure was sometimes put upon hon. Members, but, although that might be a sufficient reason for those hon. Members to defer to the opinions of the persons who had sent them to that House, it was no reason for others who did not happen to be exposed to the same pressure to alter the opinions they had formed.

MR. THOMPSON said, he would now move to leave out the word "Perth" in Clauses 13 and 15, and to substitute the word "Aberdeen." He must deprecate the language of the hon. Member for Perth (Mr. Kinnaird) in opposing his proposition on a former occasion, as uncourteous and inconsiderate, and thought that hon. Member would have acted more wisely if he had not made statements on the subject without foundation. Aberdeen had always held the place next in education after Edinburgh and Glasgow in Scotland; and he (Mr. Thompson) thought the advice of the right hon. and learned Member for Bute (Mr. S. Wortley) to reverse the terms of the Bill, and give the Member to the county of Perth and to the city of Aberdeen, correct, and in accordance with that he had framed his Amendment. While giving credit to the Lord Advocate for good intentions, however, he was bound to say that the Bill pleased nobody; and he (Mr. Thompson) would vote against the Motion for its passing.

Mr. KINNAIRD said, he regretted exceedingly if he had said anything disrespectful to the hon. Member, for such was not his intention. The hon. Member had told him that he was pressed by his constituents, and he (Mr. Kinnaird) had said he would oppose him. What he said he had said jocularly, and he was quite surprised the hon. Gentleman should have taken it so seriously.

Mr. CRAUFURD said, he hoped that his hon. Friend would not press his Amendment, though, if he went to a division, he (Mr. Craufurd) should feel bound to vote in favour of it. He would suggest to the right hon. and learned Lord that, as Dundee had now repudiated his measure, he might get out of the present difficulty, by inserting "Aberdeen" instead of "Dundee" in the clause.

Mr. DUNCAN said that, as Dundee had been mentioned, he would take that opportunity to reply to the remark made by the noble Lord (Viscount Palmerston), as to a "pressure" having been used to cause hon. Members to alter their opinions. He had not received one letter from his constituents on the subject, and had that morning presented a petition from the town-council of Dundee, against the Bill. Yet he had, with the exception of an Amendment proposed by the right hon. and learned Lord, supported the Bill in all its stages. It would be seen, therefore, that the "pressure" which had been brought to bear on himself had been very slight, and he hoped that the "pressure" which would shortly be brought to bear on the noble Lord would be equally as light.

Question put, "That the word 'Perth' stand part of the Bill."

The House *divided:*—Ayes 100; Noes 27: Majority 73.

Mr. DUNLOP said, he would now move to leave out in page 7, lines 23 and 24, the words "in regard to his sufficiency for the office in respect of literature." It was his hope that the Government would not give up the Bill on account of the modifications it had received in its passage through the House. He believed that, notwithstanding he and others might have preferred it in its original form, it would work well as it now stood. By the Bill at present, however, no schoolmaster could be admitted to his office without the attestation of the presbytery of the Established Church with respect to his moral and religious character. Now, that was inconsistent with those portions of the Bill which abolished all religious tests upon the appointment of schoolmasters; and the object of his Amendment was to harmonise the two discordant parts of the Bill.

Mr. BAXTER said, he cordially seconded the Amendment, for he was satisfied that the Bill would be hailed by the people of Scotland as an instalment of good, and as a step in the right direction. He certainly objected to some of the details, but he was not one of those who, because they could not get all they wished, were determined to reject all the advantages that were offered.

Mr. ELIOTT LOCKHART said, he could not conceive, after the division of that night, that the Bill would be pressed further. It would be his duty still to give the measure all the opposition in his power.

The LORD ADVOCATE said, that whatever might be the future prospects of the Bill, he was convinced that a great advance had been made in the solution of the difficult question of education in Scotland, for they had done what had never been done before—read an education Bill a third time—and he was not without hope, notwithstanding the narrow division upon the Bill that evening, that it would become the law of the land. He would take that opportunity of warning hon. Members opposite of the danger which arose from the circumstance that in different parts of the kingdom generations were growing up without knowledge; that we were allowing the nurseries of crime to increase; and that, while hon. Members in that House were discussing these miserable abstract questions, the mischief was being done, day by day, and year by year. By giving such prominence to these abstract questions, hon. Members opposite were raising insurmountable barriers, not in the way of the Bill now before them, but of every educational system that could be devised. Objections had been made to continuing the Privy Council grants to Catholics. But he believed that it was impossible to have a system which would embrace Catholics and Episcopalians. What he wanted was, to see a system by which the people of Scotland might be educated. His object in framing the Bill was, in the first place, to secure that the measure should provide a school in every place where it was required. He denied that the Bill would dry up the ordinary sources of private benevolence. Already, he believed, the people of Scotland subscribed more than the people of England to the cause of education. The people of Scotland had a national system of education and a school in every parish, yet that system had only excited the General Assembly of the Established Church to do their best to overcome the deficiencies of the national system of education. The argument that they were to perpetuate ignorance in order to promote benevolence would induce them to perpetuate pauperism from the same motive, and would lead generally to the promotion of that which was evil in order that the great and good affections of our nature might be stimulated. It was said that there was no necessity for the Bill, and that voluntary efforts would do all that was wanted. But the General Assembly of the Established Church, in a Report recently presented, stated that in the Highlands there were from 20,000 to 30,000 children without the means of education. Whether the Bill should succeed or not, he should continue of opinion that no voluntary efforts could supply the necessity. Voluntary efforts could only avail in districts having wealth and riches. Where education was really wanted voluntaryism must fail, because it was in the poor districts that education was wanted. In twelve counties of Scotland there was no Roman Catholic place of worship. There were only thirty-two Roman Catholic schools in the country, and thirty-six Episcopalian schools, all the rest were Presbyterian; and yet, he must say to their disgrace, they were talking about religious differences. He warned hon. Gentlemen that if they rejected the Bill the people of Scotland would not submit to have the Established Church jurisdiction perpetuated over the whole of the schools of the country. He should be greatly mistaken if it were possible to introduce any measure with a chance of success which gave the Established Church and the heritors as much influence as they obtained under the present Bill. His doubt had, indeed, been from the communications made to him, whether he had not left rather too much power in their hands. The members of the Established Church of Scotland were only one-third in number of those who agreed in creed, and it was not likely that they could succeed in retaining the exclusive privileges which they claimed. He opposed the Amendment of the hon. and learned Member for Greenock, because it would put both the schoolmasters and the Presbytery in a false position. There was one topic on which he felt it incumbent to say a word. The hon. Member for Berwickshire (Mr. F. Scott) said that the cost of the present measure would be about 250,000*l.* a year, and the hon. Member for Stirlingshire (Mr. Blackburn) went further, and said the expense would amount to 450,000*l.* The latter hon. Member stated that there were 5,000 schools in Scotland, all which were to be paid under the Bill. But the hon. Member did not tell the House how that number was made up. It was made up of public day schools and private day schools. The Bill, however, had nothing to do with the private day schools, which amounted in number to 1,893, and deducting from the remainder, being public schools, the endowed schools, the Roman Catholic and Episcopalian schools, the ragged and other schools of that kind, there would be left an amount of 2,316 public schools to which the Bill would apply. That was really very near the number with which they would start, for he did not think that, at first at all events, they would have more than one additional school in each parish, with 500 in the different burghs. Would the cost of the system be 450,000*l.*? Far from it. He would show the House that it would not be even 100,000*l.* There were 937 parochial schools. Under the Bill they were to have 16*l.* each, or 14,992*l.* in all. The number of other schools, according to his calculation, would be 1,379, costing 25*l.* each—total 34,475*l.* Retiring allowances he estimated at 4,000*l.*, the interest of the 150,000*l.* advanced as a building fund at between 7,000*l.* and 8,000*l.*, and the expenses of the Board and inspectors at 12,000*l.* bringing the total up to about 72,000*l.* But of the 2,316 schools, about a half were receiving Government aid to the extent of 40,000*l.* Under the new system those payments would cease; but instead of deducting the whole he would take off only a half, or 20,000*l.*, reducing the expense of the Bill, for the first year, to 52,000*l.* He was sure that sum could not be expended in a more beneficial or praiseworthy manner than in the education of the young. The return would be tenfold, and would be found in diminished poor-rates and expenses of crime, in the improvement of morals, and in the general amelioration of the country. He rejoiced at the progress which had been already made, and he hoped that the House, whatever might become of the Bill, would, by its vote to-night, evince its continued adherence to the great principle that it was the duty of the nation to educate the young, and that in the education of the mind—in the spread of moral and religious knowledge—dwelt the real safety and hope of the country.

Mr. BLACKBURN said, he thought that the right hon. and learned Lord had taken a strange opportunity, upon an Amendment, to make a speech upon the whole principle of the Bill, assuming, at the same time, that those who voted against the Bill were not in favour of public education. Every one, he trusted, was in favour of education, but every one did not think that the present Bill would effect the object well. The right hon. and learned Lord said, on a former occasion, that he meant to absorb the whole of the private schools.

The LORD ADVOCATE: Not by paying them out of the public purse, but by setting up free schools under the present Bill.

Mr. BLACKBURN: As the proportion of children now educated in Scotland was one in seven, and as it was intended to bring that down to one in five, with a population of 600,000 children, and assuming that one schoolmaster could not attend to more than 100 pupils, there would necessarily be 6,000 schools. That was one way of putting it, but, taking the number of schools at present at 5,240, it was not unreasonable to suppose the number would be increased to 6,000; and thus, by another process, they arrived at the same result. It was agreed that the cost would be 35*l.* each, and that would give 175,000*l.*, not reckoning the 1,000 old schools. He did not say that would be the sum which the schools would cost next year, but he had not the slightest doubt that would be the ultimate cost. At present the schools were inspected but seldom, and in a cursory way. To inspect them properly twice a year would require an inspector for every 150 schools, and upon the calculation of 6,000 schools, that would require forty inspectors, costing 600*l.* each, which was 24,000*l.* There would be 16,000*l.* for the original parochial schools, 175,000*l.* for the 5,000 new schools, and 27,000*l.* for the board and inspectors, making, as he had said on a former night, 242,000*l.*, which would have to be paid out of the national exchequer by the proposed system.

Mr. COWAN said, he wished to refer to the vote he had given on a former occasion, for he thought a great mistake had been made in the Bill by so largely increasing the salary of schoolmasters, without taking measures to increase their qualifications. The system of Government certificates might have been advantageously introduced. He should have moved an Amendment to that effect, but for an intimation from the Lord Advocate that he should consider it a hostile step. He hoped the House would agree to the Amendment, and he should be then able to vote for its final stage.

Mr. F. SCOTT said, the object of the Amendment was to reverse two former decisions of the House.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided:* — Ayes 80; Noes 117: Majority 37.

On the question that the Bill do pass,

Mr. F. SCOTT said, he trusted that, after what had passed, there was no serious intention to proceed with the Bill, and that the admirable speech of the right hon. and learned Lord, which would have been more appropriate if delivered on a previous occasion, were the last notes of the dying swan. After the strong manifestation of the feeling of the House, he did not see how they could proceed with the measure, inasmuch as two hon. Gentlemen, the Members for Stafford and Worcester, had by accident gone into the lobby with the Government on the question of the third reading. The Bill was therefore virtually lost by a majority of one. It was a measure opposed to the wishes of the great majority of the people in Scotland, as proved by the immense majority of petitions against it, whereas, before the nature of the Bill was understood, the majority of petitions were in its favour. The right hon. and learned Lord Advocate had assumed, that those who were opposed to the Bill were opposed to education, but the contrary was the fact, for it was because they were in favour of the extension of education that they voted against the measure, which would have the effect of not only increasing the expense, but of limiting education. Education, supported by the voluntary principle, had increased in Scotland at a far greater rate than in England; but the proposed measure would dry up the sources of voluntary subscription, and charge upon the State that which was now willingly undertaken by the people. It had been said, that there were a large number of persons residing in the lanes and alleys of the large towns not educated under the present system, but would they be under the one which it was proposed to substitute for it? There was nothing in the Bill to induce people to be educated who were unwilling. The Lord Advocate had referred to the Highlands, where, he said, there were from 20,000 to 30,000 persons existing in ignorance. That was to be accounted for by the circumstance that the population was so scattered, and the physical character of the country was such, that it was only by means of perambulating teachers that education could be diffused among them; but the right hon. and learned Lord's argument proved nothing in favour of his Bill. He accused the right hon. and learned Lord of inconsistency in his arguments, for, when he was arguing in favour of education, he said it was necessary that there should be an immense increase of schools; but when he took the economical side of the question, the right hon. and learned Lord said, he was going to contract the schools. Such arguments were most contradictory. He (Mr. Scott) had estimated the burden to be cast on the country at 200,000*l.*, whereas the right hon. and learned Lord asserted it would be 75,000*l.* But, taking the right hon. and learned Lord's own figures, if 2,300 schools would cost 75,000*l.*, 6,000 schools would cost 195,000*l.*, so that he (Mr. Scott) was not so far out in his calculation. He trusted that the eyes of the people of England would now be open to the true character of the Bill. Since it was now an absolute certainty that the Bill had been virtually lost by a majority of one, he trusted that the noble Lord at the head of the Government would deal with it in the same manner as the English Education Bills had been treated.

Mr. HADFIELD said, he must enter his final protest against the Bill, and he also must deny that any good could ever result from legislative interference in a subject which ought to be left to the voluntary benevolence of the people.

Mr. BLACKBURN said, the Bill was most carelessly drawn. As an instance, he would mention that the Board were to be appointed in October, and that they were to hold their first sitting in August, several months before their appointment. It would be impossible to work the Bill in its present shape.

Question put.

The House *divided*:—Ayes 130; Noes 115: Majority 15.

Bill *passed.*

TENANTS' IMPROVEMENTS COMPENSATION (IRELAND) BILL.

[*Progress, 5th July.*] Order for Committee read.

House in Committee.

On Question that Clause 15 stand part of the Bill,

Mr. HORSMAN moved that the Chairman report progress.

Mr. MALINS: Mr. Fitzroy, before you leave the chair, I wish to put a question to the noble Lord at the head of the Government. A rumour is afloat in this House—and it has reached me from various quarters—that, during the present political pressure upon the Government, the noble Lord has been waited upon by a number of Irish Members, who have made representations to him with regard to the 14th clause of this Bill, a clause which has been rejected by a majority of thirty-six. The rumour goes that the noble Lord, under pressure, has made an arrangement to put up some supposed or *quasi* independent Member, to move the re-insertion of that clause, and has promised to support it. What service those hon. Gentlemen were to perform in return does not appear, but it appears to me incredible that any such arrangement should have been made by the noble Lord. Many Members of this House, however, do believe in this rumour, although I myself cannot, and I shall continue to disbelieve that any arrangement so discreditable to all parties concerned has been made, unless I hear it asserted upon the authority of the noble Lord. I beg now to ask the noble Lord whether he has made any such arrangement, and whether there is any foundation for this malignant report?

Viscount PALMERSTON: Mr. Fitzroy, what has passed is a transaction most simple in its character and most easily explained. A certain number of Irish Members expressed a wish to see me yesterday, and, when they waited upon me, they said that they were desirous that the 14th clause should be re-inserted, and they wished to know whether, if a Motion to that effect were made, I was willing to support it? My answer was that, as I had supported the clause when it stood in the Bill, if any Member brought forward a Motion for its re-insertion, I should feel myself bound as a matter of consistency to support the Motion. At that interview no other topic was referred to, no pressure was exercised, and no bargain made. What I then stated was in perfect unison with the course I have pursued with regard to this Bill, and, having supported the clause as it originally stood in the Bill, I stated that if a Motion were brought forward for its re-insertion, and not as the hon. and learned Gentleman appears to think, by a *quasi* independent Member, but a perfectly independent Member, it would meet with my support.

MR. SEYMOUR FITZGERALD: Sir, one point relating to this transaction has escaped the notice of the hon. and learned Gentleman (Mr. Malins), and, in order to throw some light upon it, I beg to ask the noble Lord if in the conversation which he held with those Irish Members it was not pointed out to him that several Members of the Government were not present at the division upon the 14th clause, and if he did not then promise that if a Motion for its re-insertion were made it should be supported by the whole force of the Government?

COLONEL DUNNE: Before the noble Lord answers the last question, I wish to ask him whether the clause, the re-insertion of which he promised to support, was the clause as brought in by the hon. and learned Member for Kilkenny (Mr. Serjeant Shee), or that clause as amended by the right hon. Gentleman the Secretary for Ireland.

VISCOUNT PALMERSTON: Of course, what I intended was, that I should support what I had supported before. [Colonel DUNNE: But which clause is that?] Why, the clause as amended by my right hon. Friend the Secretary for Ireland. With regard to the question of the hon. and learned Member (Mr. S. Fitzgerald) there can be no doubt that the deputation did take occasion to observe that certain Members of the Government were absent from the division which led to the rejection of the clause. I made answer that I had had occasion to remark the absence of some of the Members of the Government upon other divisions, and I took the opportunity of expressing a hope that I should not have occasion to regret such absence again.

MR. SERJEANT SHEE: Sir, as I was not one of the hon. Members who waited upon the noble Lord, and, as I have only heard accidentally in this House of the circumstance of any one waiting upon him at all, perhaps I may be allowed to ask him a question. I wish to ask him if the hon. Gentlemen who waited upon him requested him to support the clause as I introduced it, or as amended by the right hon. Gentleman the Secretary for Ireland? [An hon. MEMBER: He has answered that.] No, excuse me, he has not. As I understand the noble Lord, he stated to those hon. Gentlemen who waited upon him that he would support the clause as amended by the right hon. Gentleman; but what I wish to know is whether those hon. Gentlemen requested him to support the clause as amended, or the clause as I introduced it? If the hon. Members who waited upon him requested him to support the clause as amended by the Secretary for Ireland, I should like to know who those hon. Members were, because, in my simplicity, I believed that all the Irish Members supported the clause as proposed by me. If I am right in that opinion, I think it is of importance that the House should know who were the hon. Gentlemen who requested the noble Lord to support the re-insertion of that clause, mutilated as it was by the right hon. Secretary for Ireland.

VISCOUNT PALMERSTON: If the hon. and learned Gentleman wants to know who were the hon. Members that came to me, he can no doubt find out by inquiring among his friends. With regard to the question as to whether I was asked to support the re-insertion of the clause as it originally stood, or as amended by my right hon. Friend the Secretary for Ireland, I apprehend that no man could have reasonably asked me to support that which I had originally opposed. I have supported the Amendments of my right hon. Friend, and no man could expect me to support the re-insertion of a clause without those alterations in it to the introduction of which I was a consenting party.

MR. DISRAELI: I wish, Sir, to call attention to what seems to me the very lamentable fact, that the business of the House of Commons appears every now and then to be transacted elsewhere than in the House of Commons. I have noticed this once or twice, even during the present Session, and I think it is much to be regretted and deprecated by every gentleman in this House, whether he be a *quasi* independent or a really independent Member (for the noble Lord has made this distinction), that these private communications with a Minister, which are to affect the progress of affairs and the decisions of this House, should be carried on in so sinister and mysterious a manner. I do not think it is much to the credit or to the satisfaction of Members who represent Irish constituencies, that by an unhappy fatality, whenever these occurrences have happened, we always find it is upon an Irish question, and a question, in fact, in which there is a deputation of Irish Members, whose doings, when the matter is brought before the House, are repudiated even by their own brethren. I really think this is not the course which the noble Lord ought to have taken. It seems to me that the noble Lord, in the high position which he holds, ought to have formed his opinion upon public matters and to have communicated it to the House, and that when such a deputation—such a menacing deputation, as we are led to infer—waited upon him, he ought to have said, "In the House of Commons I will give my opinion, and there you will hear what are the sentiments of the Government on the subject." However, I quite agree that the position of a Minister just now is a very difficult one, and that the noble Lord is, therefore, to some extent entitled to our indulgence. From what I can gather, the noble Lord does not appear to have pledged himself to anything; he only said he was prepared to do again, if called upon, what he did before; and, as far as can be judged from what has passed this evening, the noble Lord has not made any unconstitutional pledge in order to influence the votes of Members in this House, but gave the deputation to understand that they could not count upon any support from him which they had not received before. At the same time, I should be very glad if the noble Lord would take this opportunity of defining, for the information of the House, the difference between a *quasi* independent and a really independent Member. If that could be done, it would, in my opinion, facilitate the course of public business, and probably might prevent the repetition of such a scene as has so unexpectedly, and unhappily occurred this evening.

VISCOUNT PALMERSTON: Sir, the term *quasi* independent Member is not mine—it was first used by the hon. and learned Member who introduced this subject. Nor did I say that I had received a menacing deputation, as asserted by the right hon. Gentleman who has addressed us, for nothing could be less menacing than either the tone or the demands of the gentlemen who waited on me. As for what the right hon. Gentleman says about receiving deputations in general, the doctrine which he lays down is perfectly novel to me, for I consider that it is quite consistent with the proper working of the functions of the House that Members should wait upon the Minister to suggest amendments or additions to the Bills in progress. But, according to the doctrine of the right hon. Gentleman, it is improper for any number of Members of this House to come to the Minister, and express to him their opinions upon public measures, and their intentions or wishes in regard to the manner in which those measures should be dealt with. Such a doctrine is totally novel to me, and, so far from thinking there is any impropriety in such a proceeding, I should say it is not only strictly proper, but highly calculated to promote the despatch of business in the House. The gentlemen who came to me came to suggest what they thought an improvement in the Bill; so far from there being anything in such a communication which deserves censure, I think it is eminently calculated to facilitate the progress of public business in this House. With regard to transacting the business of this House elsewhere, I am afraid if I were permitted to ask questions of the right hon. Gentleman's followers, it would be found that the business of this House, so far as they are concerned, is but too often prepared and regulated at interviews which take place out of the House; and I am afraid, to use a French expression, the support of the balance of truth would be greatly in favour of myself. I should be happy to have an opportunity of settling the question with the right hon. Gentleman.

MR. WHITESIDE: Sir, it was a saying of Rochefoucault, that in serious affairs he did not like a joke. Now, as this is a matter of some small consequence, I think the remarks with which the noble

Lord has just concluded are rather out of place. Let me ask, what is the point we are discussing; for, does the noble Lord think he imposes upon any man of common sense by the speech he has just delivered? A very important question connected with Ireland was before this House. In the Committee upon which I had the honour of sitting with the noble Lord, on almost every question raised by the hon. and learned Serjeant (Mr. Serjeant Shee), he was opposed by the noble Lord. However, a man's judgment is altered by time and reflection, and by due consideration of all the facts of the case. The noble Lord became Prime Minister; this question was discussed in the House of Commons, and the 14th Clause was rejected after full debate. Well, has the noble Lord's reason been convinced by any arguments put forward since that debate? Has anything occurred in the interval to affect his judgment? Does anybody for a moment suppose such a thing? No. I want, then, to be informed what was "the consideration" in return for this promise on the part of the noble Lord, because there is, I am well aware, always a consideration for a promise of this kind? On the eve of a debate which affects the existence of the noble Lord as a Minister—["Oh, oh!"]—I ought, then, to have said which may affect his existence as a Minister—a body of Irish gentlemen wait upon him and say to him significantly "An important clause has been rejected by the House of Commons, and we ask you now, if it shall be proposed to rescind that vote, to give us your promise to support the restoration of that clause." Are we to believe that, under those circumstances, it was the force of truth—for the noble Lord was so unfortunate as to make reference to truth—or the Palace of Truth, which induced him to say on that occasion, "I will support that clause and bring to bear the entire force of the Ministry?" Sir, if it was the object of the noble Lord to strike a blow at constitutional government ["Oh, oh!"]—I may be wrong, and should be very glad to be corrected by the eminent authorities on the Ministerial bench—but I still venture to hold the opinion that, as, after full debate and discussion, the House of Commons came to the conclusion that a particular portion of a certain measure ought to be rejected, it is a proceeding fraught with injurious consequences for a Minister, when placed in circumstances of difficulty, to be waited upon in private by a number of gentlemen, and then accede to their request that he would assist in reversing the decision of this House. Sir, I will supply what was omitted by the noble Lord. It may not have been so stated at the interview, but any man of plain understanding must be aware, that what the deputation meant to say was this, "If you do agree in what we propose, we shall, on the occasion that will be presented to us on Monday night, be forced to vote against you." I say that is the meaning of the contract. The noble Lord laughed it off very agreeably and pleasantly; but will he allow me to remind him that, upon the question of whether the Income-tax should be imposed on Ireland or not, a number of gentlemen also waited upon a Minister and got a promise from him, which was systematically and consistently broken? Those Irish Members who waited upon the noble Lord stand in precisely the same circumstances now, and they may fail, as on a former occasion, in obtaining any consideration in return for the promise of support they apparently have given to the noble Lord. With the utmost deference to the gentlemen who waited upon the noble Lord, I think that was not a very creditable way of enforcing their demands and their opinions upon the Government, and I think it injurious to the country as well as to the character and authority of this House.

SIR GEORGE GREY: Sir, the right hon. Gentleman (Mr. Disraeli), remarked that it was unfortunate that a dispute of this kind should generally have reference to Ireland. Sir, I think it is also deeply to be regretted that when Irish Members take a course with regard to a measure, which is constantly taken by English and Scotch members—namely, that of waiting by deputation upon any Minister of the Crown, who may be charged with that measure—I say, it is deeply to be regretted that in such a case some other Irish Member always gets up in this House and charges his fellow-countrymen with base and dishonourable conduct. That is the opinion which seems to be entertained by the hon. and learned Gentleman the Member for Enniskillen (Mr. Whiteside), of those of his countrymen who waited upon the noble Lord. He insinuates that they stipulated for a consideration in return for the promise they obtained. Now, I must leave this to be settled between the hon. and learned Gentleman and his countrymen, who, at least, had the right and the title to be considered as honourable, as independent, and as free from all suspicion of base and dishonourable motives as the hon. and learned Gentleman himself. The hon. and learned Gentleman appears to think there is something extraordinary, after a Bill has passed in which a clause has been expunged, in an attempt to restore that clause. Sir, I believe nothing is more common than such a proceeding; and I can conceive nothing more natural than that Irish Members having an interest in this particular clause should wait upon a Minister of the Crown to know whether he would support a proposal for the restoration of that clause. I can conceive nothing discreditable, nothing dishonourable, and nothing unusual in such conduct. The hon. and learned Gentleman insinuates that, because a majority of some thirty or forty rejected the clause, the deputation waited upon my noble Friend and proposed to him that he should act contrary to his opinion, and vote now in a manner directly opposite to that in which he voted the other night. The hon. and learned Gentleman has singularly enough directly reversed the case. The inconsistency would be, if my noble Friend were guilty of inconsistency, in voting against a clause which he had supported in Committee. And here let me ask the Committee if there is no precedent for a deputation of this kind? Not long ago the hon. and learned Gentleman opposite (Mr. Whiteside), was Solicitor-General, and the right hon. and learned Gentleman on his right (Mr. Napier) was Attorney-General for Ireland, in the Administration of Lord Derby. During the time they held office a Bill upon the subject of tenants' compensation was brought forward by the right hon. and learned Gentleman the Attorney-General for Ireland. The hon. and learned Serjeant (Mr. Serjeant Shee), had also a Bill before the House, including clauses that went far beyond the 14th clause respecting compensation. Now, what was the course adopted in that case? The right hon. and learned Gentleman consented to both these Bills being read a second time in this House, and what was the consequence? Those hon. Members who were opposed to the Bill of the right hon. Gentleman—and whom I will not charge with base and discreditable motives—objected especially to the clause which gave retrospective compensation, and, if the report be not incorrect, they went in a body to Lord Derby and complained of the conduct of his Attorney and, if I mistake not, of his Solicitor-General for Ireland. I am not in a condition to state whether they extracted a promise from the noble Lord, but, at all events, the result was that the noble Lord took the earliest opportunity in another place of saying that the Bills had been read merely *pro formâ*, and that the Government were not pledged to support them in the slightest degree. The Government, by thus consenting to what was called *pro formâ* second reading, though I believe there is no such thing as a *pro formâ* second reading, acknowledged that they gave their consent to what was purely an illusory proceeding, and left themselves perfectly free to object to the principle of the Bill.

Mr. BRADY said, he had not formed one of the deputation who had waited upon the noble Lord at the head of the Government, but as he had been instrumental in forming the deputation, he thought he could throw some light upon the reason why it had been formed. It had been communicated to him by an influential Irish Member who sat upon the Opposition benches, that many Members upon that side of the House would support the retrospective clause as amended in Committee, if the Government would bring it forward again. [*Cries of* "Name!"] He was not at liberty to mention the name until he had first communicated with the hon. Gentleman, but the hon. Member was at that moment in the House. In consequence of what the hon. Gentleman stated, he communicated with a friend of the Government, and stated that such sentiments were entertained, and he believed that that fact alone had led to the formation of the deputation. He had certainly been surprised to hear the indignant feeling expressed by hon. Members against a deputation under such circumstances waiting upon the noble Lord.

Mr. NAPIER said, the right hon. Baronet the Secretary for the Home Department had stated, that he (Mr. Napier) and his hon. and learned Friend the Member for Enniskillen had given their consent to an illusory proceeding in having a *pro formâ* second reading of a Bill of the hon. and learned Serjeant the Member for Kilkenny. For his part, in the presence of the hon. and learned Member for Enniskillen and the hon. Member for Kilkenny, he could only give that statement the most direct contradiction. He had been no consenting party whatever to any such arrangement, and the simple fact of the matter was this, that his right hon. Friend the Member for Midhurst (Mr. Walpole) had consented to the Bill of the Government and the Bill of the hon. and learned Serjeant being referred to a Select Committee. He (Mr. Napier) had had no communication whatever with the hon. and learned Serjeant, but, on the contrary, he had altogether refused to have any communication with him upon the subject. With regard to the conduct of Lord Derby, so far from giving any encouragement to the Irish Members, although, perhaps, the fate of the Ministry might have depended upon the course then adopted, Lord Derby, with the independence of character which had always distinguished him through life, stated, that come what would, he would never support the Bill of the hon. and learned Serjeant, and the result was, that he lost the support of many of the Irish Members. [Viscount Palmerston: But there was a deputation.] A deputation certainly waited on him. But was it to make any secret or express bargain? It was to remonstrate against the Bill going to a Select Committee. Again, he gave an express and peremptory contradiction to the statement that there had been any negotiations to which he had been a party; and he thought the right hon. Baronet ought in future to be better informed before he ventured to make such statements.

Colonel GREVILLE said, that though he could not see any impropriety in a deputation waiting upon the Government upon any subject whatever, he had not formed part of the deputation which had been referred to by the hon. and learned Member (Mr. Malins) because the object which that deputation had in view was one with which he did not concur.

Mr. VINCENT SCULLY said, he felt called upon to defend the propriety of the course adopted by the Irish Members in waiting upon the noble Lord the First Minister of the Crown, in order to induce him to consent to the reintroduction of the 14th clause. He had always endeavoured to avoid getting into any sort of row, whether English, Irish, or Scotch, and he had certainly not expected to see the right hon. Member for Buckinghamshire take part in one. He thought that the language used by the right hon. Gentleman had been unbecoming his position, and that it was derogatory to the character of Gentlemen who were fully his equals in position and in every other respect. He could not help remarking, that that sort of language was only directed to Irish Members, and that Irish gentlemen always avoided using it with respect to English Members. It appeared, however, that Irish Members could never meet for any purpose whatever without some prying, inquisitorial system being set on foot, in order to ascertain who they were, and what they had been doing. He should be ashamed to adopt such a course in regard to any meeting of Conservative Members. He had never complained that the hon. and learned Gentlemen who occupied the posts of Attorney General and Solicitor General for Ireland, under Lord Derby's Administration, had introduced a Bill containing a retrospective clause of a much more comprehensive nature than that in the present Bill. It was the 20th clause of a Bill he held in his hand, and was to the following effect:—"If any tenant, or those under whom he derives, at any time before the passing of this Act shall have executed improvements on his land of the nature contemplating the foregoing provisions," and so on, he shall be entitled to compensation. Those improvements included several not included in the Bill now before the House. He hoped, therefore, that he should not again hear the hon. and learned Member for Enniskillen (Mr. Whiteside) attempting to lead the House to believe that he never was a party to a retrospective clause much more extensive than that against which his Colleagues voted the other day, and which he (Mr. Scully) had, to his infinite disgust, repeatedly heard him denounce. He must confess, that he was not satisfied with the Bill as it now stood, but it contained some provisions which he believed would be beneficial, and the question was, whether they would reject the measure, or accept it, rather than get nothing at all. He found, however, to his astonishment, that on Thursday evening only 102 Members voted for the 14th clause, which was by no means so stringent as a similar clause proposed by the Attorney General and the Solicitor General for Ireland under Lord Derby's Government; and he found, also, that the minority comprised only forty-seven Irish Members, some of whom were Members of the Conservative party, and rather more than fifty English Members, some thirty-five or thirty-six of whom were Government Members. Seeing this state of things on Saturday morning, he thought of inditing a letter on the subject to the noble Lord at the head of the Government; but he abandoned that intention, as he was asked to consult with some of his hon. Friends. They talked the matter over, and decided upon going to head-quarters and asking for an interview with the Premier. The noble Lord received them with great courtesy, and they explained to him that they were dissatisfied with the manner in which the Bill had been mutilated, after the statements which had been publicly made in the House. They called upon the noble Lord to assist them in obtaining the re-insertion of the clause which had been expunged, and which—although they were as much dissatisfied with it in its mutilated state as the hon. and learned Serjeant (Mr. Serjeant Shee) and the hon. and gallant Colonel (Colonel Greville), both of whom had voted for it in that mutilated form—they conceived would be better than nothing. They represented to the noble Lord their opinion that the decision which had been arrived at upon the clause was by no means satisfactory, as it had been adopted in a very thin House, and they informed him that they wished the question to be determined when there was a full attendance of Members. They strongly expressed to the noble Lord their desire that the clause which had been expunged should be re-inserted. He (Mr. Scully) wished he could say that any compact had been entered into on the subject; but, unfortunately, all he could say was, that the noble Lord gave them an assurance that their representations should receive full consideration. Would the right hon. Gentleman (Mr. Disraeli) say, that he had never been in conversation with Members from all sides of that House in the lobby, or in the smoking or dining rooms; and that the conversation which took place on some of those occasions did not relate to matters similar to those which were sometimes discussed by deputations in the presence of the Ministers?

Mr. DISRAELI said, he could hardly answer the question of the hon. and learned Gentleman who had just sat down, unless it were made somewhat more specific. He could not say what might, or might not, have passed in the smoking room or dining-room of the House. He generally dined alone. He might have been spoken to in the dining-room by Members who sat on both sides of the House, but he hoped the hon. Gentleman did not suppose for a moment that he was likely to restrict the polite and gentleman-like intercourse that took place between the Members of that House in such circumstances, whatever their opinions might be. Such intercourse was not to be mixed up with the instance now under the consideration of the House. It was not to be mixed up with the instance of a deputation waiting upon a Minister—a deputation waiting upon a Minister just before an expected division upon a matter of great national importance. I will not enter into the question which has been raised by the right hon. Gentleman the Secretary of State for the Home Department, with reference to the interviews between Lord Derby and Members of that House on the subject of Bills similar to the one now before them. The right hon. Gentleman said, two or three deputations waited on Lord Derby. [Sir George Grey: Only one.] Only one; but reference might be made to more than one. First of all, the friends of Lord Derby waited on him, and said, "Your representatives in the House of Commons have agreed to send these Bills before a Select Committee—take the consequences of it," and Lord Derby did take the consequences of it. Then the opponents of Lord Derby went to him and said, "unless you take particular care, you cannot count on our support." They got their answer, and in both cases Lord Derby acted according to the dictates of his conscience. But was there anything in those instances analogous to the one now before the House? The hon. and learned Gentleman (Mr. Scully) had accused him of using insulting language to the Irish Members. He was not in the habit of using insulting language, either to Irish Members or to any other class of men; and the hon. and learned Gentleman, when he made the charge, was bound to state in what respect his language had been insulting. The words which fell from him, even with the worst interpretation the hon. and learned Gentleman was able to put upon them, could not be made to wear that colour.

Mr. VINCENT SCULLY said, he was quite satisfied to accept the explanation of the right hon. Gentleman. The right hon. Gentleman was so habituated to impute motives to the Irish Members, that he was, perhaps, unconscious of it; but he was, nevertheless, satisfied with his explanation.

Lord CLAUD HAMILTON said, he should like to know who deputed those eighteen gentlemen to go to the Minister as the representatives of all Ireland? He had a right to ask the question, especially as the right hon. Gentleman (Sir G. Grey) spoke of the deputation as one conducted in the usual manner. There were 105 representatives for Ireland, and the great majority of those gentlemen voted equally with "the eighteen" in favour of the 14th clause. Then,why were they not all equally invited to join the deputation? They were all in town, and yet not one syllable was communicated to them of the intention to wait on the Minister. He had often gone on deputations, and had always been courteously informed of them beforehand; but in this case there was a departure from that usage. Could these eighteen gentlemen show their credentials to act as a deputation in the name of all Ireland? He was informed that the resolution to form the deputation had been taken after the hon. Member for Hertfordshire (Sir B. Lytton) had given notice of his Motion; and it appeared to him as if the only question with them was, not how they should act with regard to the 14th clause, but how they should vote on the Motion of the hon. Baronet the Member for Hertfordshire. That was the reason why they did not intimate their intention to those sitting on that (the Opposition) side of the House, who voted with them on the 14th clause. He denied, therefore, the accuracy of the right hon. Gentleman's statement, that this was a deputation after the usual manner. The hon. and learned Gentleman (Mr. Scully) referred to a Bill on the subject of tenant right in 1853, which, he said, had the name of the right hon. and learned Gentleman the Member for the University of Dublin on the back; but though that Bill had the name of the right hon. and learned Gentleman on the back in 1853, it was, in reality, the Bill printed as it came from the Committee to which it was sent in 1852. It was usual in such cases to retain the name on the back, and it was so in that case, though his right hon. and learned Friend had twice thrown up the Bill, and only resumed it at the earnest request of the Committee.

MR. VINCENT SCULLY said, the Bill he had quoted from was the Bill introduced by the right hon. and learned Gentleman the Member for the University of Dublin in 1852.

MR. MAGUIRE said, he wished to state that no formal communication was made to him of the intention to have an interview with the Premier. He and the hon. Gentleman near him did disapprove of the deputation to the noble Lord, not because they thought such a proceeding was not perfectly regular and correct, but because they did not believe the Government to be sincere and in earnest upon the question. If the Government were sincere, why did not the noble Viscount make it a Cabinet measure, and oblige his subordinates to follow him into the lobby in support of it? He did not believe that a Cabinet could be coerced by friendly interviews such as the one which had taken place; those who wished to carry a particular Bill would gain their object, not by always following the Government into the lobby, but by adopting an independent and resolute course, so that they could turn the scale when a Ministry was in danger. He, and those with whom he acted, were determined to persevere in their efforts to settle the question, not by coming to the rescue of a Cabinet when it happened to be in a fix, but by holding themselves in independent opposition, by keeping themselves dangerous to either side of the House. He had no sympathy with the opinions of many Gentlemen upon the Opposition side of the House; but why did he sit upon that side? Because he could not sit upon the other side ["Hear, hear!"] because he could not in honour and in conscience sit upon the other side, having given a solemn pledge that he would sit in opposition to the Government until the Government had made a Cabinet question of a measure embodying the principles of Mr. Sharman Crawford's Bill. Even if the 14th clause were re-inserted, he thought the Bill had been so treated by the Government that it could not pass through the House of Lords during the present Session, but it could be carried next year if thirty Irish Members would act together and support it.

MR. HORSMAN said, that before the hon. Baronet the Member for Hertfordshire's notice of Motion had been given, he was told by a Member of that House that a communication had been addressed to him by two supporters of the right hon. Gentleman opposite who had taken an active part in the Bill, to the effect that they regretted the rejection of the 14th clause; that they would be glad if the Government would propose its re-insertion; and that many Gentlemen upon the Opposition side would support such a proposition. He was asked what course the Government would take. He replied that he was not authorised to give a decided answer, but his conviction was that the Government would not feel justified in opposing the re-insertion of the clause. He was then asked what course the Government would take if any independent Member were to make the proposition? He replied that he was not authorised to speak positively, but he thought that if any independent Member proposed the reinsertion, the Government would vote as it had before voted. The next morning he stated the conversation to the noble Lord at the head of the Government, who approved of what he had said. That was as he had just stated previous to the notice of the hon. Baronet opposite. Communications went on for two or three days with different Members of the House, and while they were going on the hon. Baronet's notice was given. He believed that the deputation which waited on the noble Lord received the same answers as those which he had given, and which had been approved by the noble Lord before the hon. Baronet's notice. He admitted that that coincidence which had been referred to might have excited suspicion in those who had conducted themselves throughout the proceedings in a consistent manner, and who, as regarded consistency, had shown a very honourable contrast to some of their opponents.

Mr. CAIRNS said, the right hon. Gentleman who had just sat down had thrown a new light upon the discussion. It appeared that previous to the notice of the hon. Member for Hertfordshire the noble Lord (Viscount Palmerston) announced the course he intended to take. Perhaps, then, the right hon. Gentleman would be good enough to explain why, after the hon. Member for Hertfordshire's Motion, it was found necessary that the deputation should take place?

Mr. HORSMAN said, he had not said that an announcement had been made to the Irish Members. One Gentleman had come to him, and he had communicated with two Gentlemen opposite whom he now saw in their places, but who seemed ashamed of the part they had taken in the transaction.

Mr. MALINS said, that, after a subject had been fully discussed and decided by a large majority of the House, he did not think it was a usual or a proper course for a few hon. Gentlemen to wait upon the head of the Government in order to endeavour to get that decision rescinded. He had put this question as one affecting, not the honour of individuals, but the honour of the Government; and he felt satisfied that, after the lengthened discussion which had ensued, the country would consider the present transaction was one which did not redound to the credit of the Government.

Mr. MACMAHON said, he wished to state, on the behalf of himself and the Friends he usually acted with, that when they had first heard the deputation mentioned they had, on the first blush of the matter, declared that they could have nothing to do with such a transaction. [*Cries of* "Question!"]

Mr. GUINNESS said, he would submit to the Committee that they ought not to be hurried in their deliberations on a question of the present importance, but that they ought to be afforded an opportunity to discuss it fully and fairly. He rose to call attention to the attempt which had been made by the Secretary of State for the Home Department in the early part of the evening to divert the attention of the House from the subject which engrossed it, by alluding to deputations which he said had been received by Lord Derby's Government at improper crises. He (Mr. Guinness) pronounced it unconstitutional in the highest degree, after a clause had been fully discussed and negatived by a large majority, for a deputation to wait upon the Prime Minister, at a crisis like the present, to endeavour to get him to rescind the decision of the House; such a proceeding was not only disgraceful but disgusting, and he could not help thinking that the Minister should have answered that deputation by refusing to give consideration to their proposition.

Mr. JOHN SADLEIR said, that he had formed one of the body of Irish Members that had waited upon the Minister. Nothing could be more contrary to the fact than to say that that was a deputation from any body whatever which had waited upon the Prime Minister. They represented no party but themselves, and were influenced only by a wish to have restored to the Bill a clause which they considered of the utmost importance to the interests of Ireland. The hon. Member who had last spoken had, in his amiable impetuosity, used language which he (Mr. Sadleir) was certain could not be endorsed by the Gentlemen by whom the hon. Member was surrounded.

Mr. D. O'CONNELL said, he thought that the hon. Member for Barnstaple (Mr. Guinness) was out of order when he used the words "disgraceful and disgusting;"

if the words were intended to apply to him, as one of the deputation, he must tell the hon. Member he had given utterance to that which was a calumny and a libel.

The House resumed; Committee report progress.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, July 13, 1855.

MINUTES.] PUBLIC BILLS.—1ª Burials; Education (Scotland); Coal Mines Inspection.
2ª Bills of Exchange and Promissory Notes.
3ª Places of Religious Worship Registration; School Grants Security for Application; Victoria Government; Waste Lands (Australia) Acts Repeal; New South Wales Government.

THE TURKISH LOAN—QUESTION.

LORD MONTEAGLE wished to obtain an explanation from the Lord President relative to a subject on which a question had been lately put in the other House, to which an answer had been given leading to some confusion if not misapprehension. The matter to which he referred was the contract into which France and this country were about to enter, in order to guarantee a loan of 5,000,000*l.* for the benefit of Turkey. He was now desirous of ascertaining whether the guarantee we were about to give would be, speaking in legal phraseology, a guarantee joint and several —that was an engagement that England, on her side, should guarantee the whole of the loan; and that France, on her part, should likewise guarantee the whole amount:—or whether it was a divisible guarantee; our Government making itself responsible to the extent of 2,500,000*l.*, and that of France to the extent of the balance of 2,500,000*l.*? This was a matter of very considerable importance with respect to the future relations between the two countries joining in the guarantee. This was not the first time that a point of this description had been considered. The same question had arisen under the Governments of Lord Grey and Lord Melbourne, and had been decided, in his judgment, rightly. It was originally intended that the Greek Loan of 1832 should be concluded upon the joint guarantee of the three Powers interested—namely, Russia, France, and England; but the inconveniences anticipated from such a form of guarantee were so strongly felt that the question was taken into further consideration by Lord Grey's Government, when they determined that they would submit the propriety of changing the guarantee into a several instead of a joint guarantee, to the other contracting parties; and the form of a several in place of a joint guarantee was ultimately the one adopted for the Greek loan of 1832. It was therefore of importance to know, before entering into any binding engagement, whether the guarantee for the proposed Turkish loan would involve our responsibility for the whole 5,000,000*l.*, or whether England would be liable for one-half only, and France making herself responsible for the other?

EARL GRANVILLE: In answer to the question put to me by my noble Friend, I beg to inform him that the first alternative is the one which has been accepted by Her Majesty's Government. It is to be a joint guarantee of a loan of 5,000,000*l.* sterling; and, undoubtedly, this country will be responsible to the creditor for the whole of that sum. As to whether it is desirable that the precedent of 1832 should be departed from in this instance, it is premature now to enter into the discussion of that question; but, at all events, of this I can assure my noble Friend, that the course we have adopted has not been taken precipitately or in a hurry, but after due deliberation.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, July 13, 1855.

MINUTES.] PUBLIC BILLS.—1° Trinity College (Dublin); Court of Judicature (Prince of Wales Island, &c.); Colonial Appeals; Crown Suits.
2° Stage Carriage Duties, &c.; Sale of Spirits (Ireland); Navigation Works (Ireland); Slave Trade (Sherbro).
3° Lady Raglan and Lord Raglan's Annuities; Ecclesiastical Jurisdiction Continuance; Dissenters' Marriages.

LONDON WRIT COMMITTEE.

MR. WALPOLE said he begged to move that Lord Hotham be discharged from further attendance on, and that Mr. E. C. Egerton be added to the Committee on the London Writ.

LORD HOTHAM said he wished there should be no misconception as to his anxiety to be relieved from further attendance on the Committee upon the London Writ. On Wednesday the House adopted the recommendation of the Committee, that the application of Baron de Rothschild to be heard by counsel should be granted. He was one of the majority of the Committee who felt that the application could not, with propriety, be refused, but he was unable to prevail on a majority to concur with him that, if it were desirable the case should be argued by counsel on the one side, it was contrary to reason, justice, and propriety, that it should not be argued, in like manner, on the other. It had been asked which was the other side, and who had an interest adverse to Baron de Rothschild ? To that he replied, it was the interest of the House to take care no one should take part in its deliberations whose title to his seat was not unquestionable. It appeared to him also desirable, with or without any precedent, that some arrangement should be adopted similar to that in the other House with regard to extinct or dormant peerages, when the law officers of the Crown were always ordered to attend to see no claim was granted which was not clearly and satisfactorily made out by the evidence. He would not have shrunk from the responsibility of serving on the Committee had no counsel at all been ordered, as he should then have rested on the guidance of the legal Members of the Committee; but as it had been determined that the case of Baron de Rothschild should be stated to the Committee by counsel, he felt that his place ought to be filled by some gentleman of the legal profession, whose habits and education would guard him from the danger, on the one hand, of being led captive by the one-sided arguments of an ingenious counsel, or, on the other, of being prejudiced by the impression that counsel was there to maintain, at all hazards, the claim of the individual in whose service he was retained. From those dangers he did not feel that he should be free, and as he might, therefore, do injustice to the case of Baron de Rothschild, he earnestly desired to be relieved from further attendance on the Committee.

Mr. T. DUNCOMBE said, he hoped the noble Lord would reconsider his decision, because, if he were right, he (Mr. Duncombe) ought to follow the noble Lord's example, for he also had voted in favour of hearing counsel in Baron de Rothschild's case. The Committee was composed of eleven Members; at present seven of those were lawyers, and they required an eighth to bewilder the other three. He did not understand why they might not have heard the legal Members on the Committee and then decided, though he would not say they would all have

concurred. Surely, seven legal Members, including gentlemen of such high reputation as the Lord Advocate, the Attorney and Solicitor General, the right hon. the Member for Midhurst, and the right hon. and learned Member for the Dublin University, were sufficient, in a Committee of eleven, to decide a point of this kind. It would be very inconvenient if the noble Lord persisted in withdrawing at this point, because, after hearing counsel, in all probability the Committee would, a few hours afterwards, come to a decision, and it was not fair to the hon. Member, whoever he might be, to place him on the Committee, when he had heard neither the evidence nor the arguments. The Committee would sustain a great loss in the withdrawal of the noble Lord, and he therefore hoped the noble Lord would reconsider his decision.

Lord HOTHAM said, he had no alternative but to yield, as the feeling of the House appeared to be adverse to his request. He was only anxious to perform the duty satisfactorily to himself and to the House.

Mr. WALPOLE said, he was glad the noble Lord had consented to remain on the Committee. He had been extremely anxious that the noble Lord should not retire, and he was perfectly confident the noble Lord would form as sound a judgment on the question as any Member of the House.

Motion, by leave, *withdrawn.*

ARREARS OF PAY TO WOUNDED SOLDIERS—QUESTION.

Colonel KNOX said, he begged to ask the hon. Under Secretary for War whether his attention had been called to a paragraph in *The Times* newspaper of the 12th instant, to the effect that the invalid soldiers at Chatham were very much discontented at portions of their pay being withheld from them; and what steps the Government intended to take in the matter ? He would read the passage from *The Times* to which he had referred—

> " Great discontent prevails among the invalids from the Crimea now in quarters at the Casemate, Barracks, Chatham, against the Government for not paying their arrears ; some of them have not been paid since the 31st of August last ; and a number of the men, since they came home, have been discharged without receiving the money due to them. The invalids now remaining feel that they will be treated in the same way, although they have made frequent applications to the officials of the invalid depôt. They are told that the returns from their regiments have not

been received. They complain most earnestly, as they want the money. Some of the non-commissioned officers have wives and families to support, and have as much as 10*l.* due to them.

MR. FREDERICK PEEL said, he had been told that the number of invalids at Chatham entitled to arrears of pay was very inconsiderable, since all who had left Scutari hospital since the 1st of April had had their pay. There were, no doubt, many invalids who arrived prior to the 1st of April in respect to whom some difficulties had occurred, but their claims were being gradually disposed of. It should, however, be remembered that those men had been receiving full pay ever since their arrival in England; it was, therefore, hardly true to say that there were any men who had not received pay since the month of August.

COLONEL KNOX said, he wished to know whether any steps had been taken to forward to this country the pay lists of the army?

MR. FREDERICK PEEL said, that at the present time the pay lists were transmitted with great regularity.

SUPPLEMENTARY ESTIMATES—QUESTION.

SIR HENRY WILLOUGHBY said, he begged to ask the Chancellor of the Exchequer if he was able to state whether he should require another Committee of Ways and Means, and, if so, on what day he should be prepared to move that the House resolve itself into one?

THE CHANCELLOR OF THE EXCHEQUER: Sir, in answer to the question put to me by the right hon. Baronet, I beg to state that it will be necessary for a Supplementary Estimate for the Naval Department to be laid before the House before the end of the Session. It appears that on comparing the expenditure of the past quarter with the Vote for the entire year which has been agreed to by the House, there has been a considerable excess, and I apprehend that if the expenditure for the three remaining quarters shall exceed the Estimate as much as it has done in the past quarter, it will be necessary to bring in a Supplementary Estimate for a considerable amount to meet the excess. It will also probably be necessary to present a Supplementary Estimate for the War Department; and if those Estimates should be agreed to by the House, it will then become necessary for me to submit to a Committee of Ways and Means the measures which I shall have to propose in order to meet that increase of expenditure.

MR. DISRAELI: Sir, I wish to make an inquiry of the right hon. Gentleman the Chancellor of the Exchequer, as I did not clearly comprehend his reply to the question put to him by the hon. Member for Evesham (Sir H. Willoughby). I understood the right hon. Gentleman to state that the public expenditure was so considerable that there was a probability of large Supplemental Estimates being laid upon the table; and that, in consequence, we shall, of course, be obliged to go into Committee of Ways and Means. Now, in reference to what we shall do in that Committee, I wish to make this inquiry—whether, when the right hon. Gentleman contracted for the last loan, he entered into an engagement with the contractor that no further sum should be raised this year in the same manner?

THE CHANCELLOR OF THE EXCHEQUER: It is quite true, Sir, that when the last loan was contracted Her Majesty's Government did give an engagement that they would not raise, by way of loan, any further sum until all the instalments of the loan for 16,000,000*l.* were paid in. I do not, however, wish to convey that Her Majesty's Government entertain any intention of contracting a new loan for the services of the year—at all events, until the end of December next, in the manner in which that loan was contracted.

THE DISTURBANCES IN HYDE PARK—COMMISSION OF INQUIRY—QUESTION.

MR. T. DUNCOMBE said, he wished to ask the Secretary of State for the Home Department whether the arrangements were completed for instituting a Commission of Inquiry into the conduct of the police, and, if so, what the tribunal would be, when it would be ready, and where it would sit?

SIR GEORGE GREY said, it had been determined to appoint a Commission which would consist of the right hon. and learned Gentleman the Recorder of the City of London; the Recorder of Manchester, Mr. R. B. Armstrong; and Mr. Henderson, the Recorder of Liverpool. Some delay had been occasioned in preparing the Commission by reason of its being of a formal nature. It was thought necessary that a Commission should be issued under the

Great Seal to empower the Commissioners to take evidence on oath. The Commission was not quite completed, but would be so to-night, and the advertisements would appear in the morning papers, stating the time and place of their first meeting.

Mr. T. DUNCOMBE said, he was quite satisfied with the tribunal appointed, and he had no doubt those gentlemen would do their duty satisfactorily. He wished to ask the right hon. Gentleman whether the parties complaining would have permission to appear by counsel, or would have to appear in their own persons, and, if so, would the police also have to appear in the same manner?

Sir GEORGE GREY said, that all that would be left to the discretion of the Commissioners. Every facility would, of course, be given to the parties complaining for bringing forward their cases, and they would be heard in a manner most satisfactory for producing an impartial inquiry.

Sir FREDERIC THESIGER said, he understood, from the reply of the right hon. Baronet, that a Commission to Inquire into the conduct of the police was about to be issued, and that it was proposed to introduce a clause into that Commission empowering the Commissioners to administer oaths. He (Sir F. Thesiger) wished to know whether the right hon. Gentleman had consulted the law officers of the Crown as to the power of the Crown to issue a Commission of that description with power to administer oaths, and whether an Act of Parliament was not necessary for that purpose?

Sir GEORGE GREY said, he had not exactly consulted the law officers, but he had consulted precedent. There were many precedents of Commissions with similar powers, one, not long ago, with reference to some alleged proceedings in the gaol at Birmingham. He had communicated with the learned Gentleman the Under Secretary for the Home Department upon the subject, and the precedents had been strictly followed.

Sir FREDERIC THESIGER said, that when he filled the office of Attorney General a Commission was issued by the Admiralty, in which was a clause empowering the Commissioners to administer oaths. That clause he struck out, considering the Crown had no power to create any new tribunal with power to administer oaths.

BILLETING MILITIA (SCOTLAND)—THE CAMP AT ALDERSHOT—QUESTION.

Mr. COWAN said, he wished to make an inquiry as to whether the Government intended to put an end to the system of billeting militia regiments upon private families in Scotland? He repeated the statement made on that occasion, as to the inconvenience suffered by the inhabitants of Dalkeith from this cause. The regiment to which he more particularly referred was commanded by the Duke of Buccleuch, who did all in his power to promote the welfare of his troops. An impression prevailed in the town of Dalkeith that his Grace had the power to remove the grievance of which they complained; but that was not the case. He hoped the Government would give their early attention to the matter, as this was not a time when they could afford to allow feelings of irritation to grow up in any class.

Colonel KNOX said, he would beg, before the noble Lord replied to the question just put, to direct his attention to the circumstance that although a great number of men, including a detachment of the Guards, as well as militia, were now assembled at Aldershot, some of them for two months, others for one, the Board of Ordnance had not as yet settled upon a piece of ground for the purposes of ball practice. Many of these men might be called upon at a moment's notice to leave for service in the Crimea, and yet up to that moment they had had no opportunity of exercising themselves in that practice for which the camp was mainly formed. He also wished to know whether the attention of Her Majesty's Government had been directed to the circumstance that many counties—and he referred especially to the Welsh counties—had not as yet furnished their quota to the militia, and whether any measures were in contemplation to provide against such shortcomings?

Viscount PALMERSTON said, that he would call the attention of his noble Friend at the head of the War Department to the circumstance of the want of space for ball practice at Aldershot, but at the same time he would remind his hon. and gallant Friend, that in order to provide for an effective ball practice, a considerable range was required, probably from 800 to 1,000 yards, and it was not easy to procure a range of that extent free from the passage of men and animals. With respect to the militia, it was true that in the Welsh and Cornish mining districts, where wages were high, and the profits upon labour considerable, there was a deficiency of men volunteering for the militia; but it was thought better to submit to the inconvenience than to break through the rule which had been established. At all events, until an emergency arose the Government would content themselves with the voluntary enlistment, and not have recourse to the ballot. With respect to the question of his hon. Friend the Member for Edinburgh (Mr. Cowan), he was aware that the liability cast upon private houses in Scotland to give accommodation to soldiers billeted upon them was the cause of great inconvenience, but that inconvenience arose from the manner in which at the end of the last war barrack accommodation had been restricted. He had talked the matter over with his noble Friend at the head of the War Department, who had himself perceived the inconvenience, and was in communication with the Duke of Buccleuch respecting it. One way of removing the difficulty was to erect huts, but that would be a very expensive operation, while to remove the troops out of Scotland would impose the same burden upon the people of England. He was quite sure, however, that in case any misconduct on the part of the troops were reported to the authorities, immediate steps would be taken to punish the delinquents and prevent a repetition of the offence.

MR. H. BAILLIE said, that there was more cause for complaint in Inverness-shire than in any other county, because Fort George, Fort William, and Fort Augustus, situated in that county, would afford excellent barrack accommodation. He trusted that the Ordnance Department would turn their attention to the subject, with a view to relieve the inhabitants from the burden now cast on them.

MR. LLOYD DAVIES said, the circumstance of recruits not having been so readily procured in the mining districts was owing to three facts. First, the efforts of the Peace Society in those localities; the high wages received there, and which it was not natural men could be expected to abandon for the miserable pittance offered by the Government as a bounty; and lastly, to the confusion with respect to the embodiment of the militia produced by what took place last year.

SIR JOHN WALSH said, that the militia of the county of Radnor, which he had the honour to represent, had furnished a very considerable number of men to the line.

TENANTS' IMPROVEMENTS COMPENSATION (IRELAND) BILL.

[*Progress, 12th July.*] Order for Committee read; House in Committee.

Clause 15 (In any case in which a defendant in any ejectment proceeding on the determination of the tenancy by effluxion of time or otherwise shall establish, by affidavit or other evidence, to the satisfaction of the court in which such proceedings shall be pending, that he has, as against the party proceeding to evict his interest in the lands in his possession, and in respect of such lands a valid claim for compensation duly registered under this Act, and unsatisfied, it shall be lawful for the court to stay the execution of any writ of *habere facias possessionem*, or decree for possession, for a reasonable time, to enable such defendant to establish his claim, upon such terms nevertheless as to giving security or otherwise, as to the court shall seem proper and just).

MR. SEYMOUR FITZGERALD said, he had given notice of his intention to move the omission of Clause 15; but in case it should be adopted, he would move to add the proviso of which he had given notice. The clause was in the Bill when it went before the Select Committee, and the noble Lord himself (Lord Palmerston), then a Member of the Committee, moved the rejection of such clause, and the cogent reasons which he gave for such rejection were held to be so good that the clause was struck out by the Committee. Now, he asked the noble Lord, upon the ground of that consistency which he said last night would induce him to support the reintroduction of the 14th clause into the Bill, to support him in his Motion for the rejection of the 15th clause. The clause in effect gave power to the tenant to hold possession of the land after his tenancy had expired, in spite of his landlord, until his claim for compensation was satisfied. Now that, he submitted, was the first step to fixity of tenure in favour of the tenant. If the noble Lord did not consent to the omission of the clause he would move the following proviso—

"Provided always, that it shall not be lawful for any such defendant, during the time for which the execution of any such writ shall have been so stayed, to commence, execute, or complete any improvements under the provisions of this Act; provided further, that no such writ shall in anywise be stayed or suspended if the plaintiff shall give such reasonable security for the satisfaction of the said claim to compensation as to the Court shall seem proper and just."

Mr. VINCENT SCULLY said, he wished to point out to the hon. and learned Gentleman that he was not quite correct in his statement with regard to the clause, for it had never been before the Select Committee at all. It was introduced into the Bill by the right hon. and learned Member for the University of Dublin in consequence of a proviso which that right hon. and learned Gentleman had made, and by means of which proviso he had succeeded in defeating a Motion which he (Mr. Scully) had brought forward for the express purpose of placing the tenant in certain cases in the position of a species of mortgagee.

Mr. NAPIER said, he had heard from the hon. and learned Gentleman who had just sat down, something which he did not know before. There certainly was a clause of the same kind as the present introduced by him (Mr. Napier) into the Leasing Powers Bill, which was struck out by the Select Committee at the instance of the noble Lord at the head of the Government. He (Mr. Napier) concurred in the view taken of it by the noble Lord, and he consented to its omission. There was some such clause in the Tenants' Compensation Bill, which, for the same reasons, was struck out. He would support the Motion for the omission of the clause.

Viscount PALMERSTON said, he had not a good recollection of what had passed when the Bill was before the Select Committee. It was possible that he might have taken the course attributed to him by the right hon. and learned Gentleman. But if he did so, he felt that his better judgment urged him to think now that that was a proper arrangement which the clause proposed. He thought it would not be fair or just, if the tenant were to obtain compensation, that he should be turned out of occupation before he obtained such compensation for his improvements. He thought that the tenant should be allowed to remain in occupation until that compensation was given to him. As well as he recollected, the objection he took to the clause referred to before the Select Committee was, that that clause proposed to give extended occupation in lieu of his claim for compensation.

Mr. NAPIER said, that the clause rejected by the Select Committee at the instance of the noble Lord, was in words precisely the same as the present.

Mr. KEOGH said, it was in his power to prove the incorrectness of the observation of the right hon. and learned Gentleman. He had the identical clause before him which had been originally framed by the right hon. and learned Gentleman, and it exactly bore out the statement of the noble Lord—namely, that the noble Lord's objection to it was that it provided that the tenant was to remain in occupation for what was termed a compensating period of occupation. [Mr. Napier: But there were two clauses.] He was talking of the clause in the right hon. and learned Gentleman's Tenants' Compensation Bill, as it had been originally introduced by him. The original clause of the right hon. and learned Gentleman bore the construction which the noble Lord had put upon it.

Mr. NAPIER said, that his Tenants' Compensation Bill was rejected in the gross. It was afterwards refashioned when it came again before the House. The Leasing Powers Bill, however, was considered by the Select Committee clause by clause; and it contained a similar clause to that now under consideration, which was rejected.

Mr. H. HERBERT said, he would submit that the Committee had better discuss the merits of the proviso before them, rather than to consider what had passed before the Select Committee upon another Bill.

Mr. MALINS said, he quite concurred with the hon. Gentleman. This should not be regarded as an historical question, but they should consider it as a question of principle. He could only say, if such a clause had been introduced by the right hon. and learned Gentleman (Mr. Napier), or any other hon. Gentleman, they had been making themselves parties to a proposed infringement of the rights of property in a most unprecedented way. The present clause proposed an entirely new principle—namely, that if the tenant at the expiration of his lease, notwithstanding his landlord had recovered by ejectment, and had obtained judgment, though not execution, made any claim for compensation, he might still retain possession until his claim was settled. Under the clause there might be further proceedings carried on in the shape of conflicting affidavits between the landlord and tenant. Now if the new principle were to be admitted, what, he asked, became of the certainty of the tenure of land? Who was to know when his lease expired or ended when such a principle was introduced? As to the menace of the noble Lord to reintroduce the 14th clause, he (Mr. Malins) took it that that question was finally settled, and it could not be done. He contended that the clause involved an abominable interference with the rights of property. After what the noble Lord had just stated about his better judgment in respect to the clause now under consideration, he (Mr. Malins) could not help thinking that the noble Lord did not improve in wisdom as he advanced in years, but that he was a much wiser man some two or three years ago when he rejected such a principle as that which was sought to be introduced. He wanted to know what compensation the landlords were to receive for being kept out of possession of their property under the clause? He warned English landlords that if they acceded to the principle involved in the 15th clause they must be prepared to consent to the same principle as regards every tenant in the country.

MR. CAIRNS said he wished to call attention to the absurdity of assenting to the clause now before the Committee. By the 10th clause the tenant was not allowed to establish his claim until he was put out of possession; but by the 15th clause it appeared that he was not to be put out of possession until he established his claim. There was another inconsistency in the Bill—namely, a landlord proceeds to evict his tenant; the tenant says he has a money claim against him for improvements. The claim is a personal one. Well, the landlord dies; and his son comes into possession of the property. By such a measure they were going to keep the son out of his own estate, in order to give the tenant security for a debt which was not due from the son or heir but from another. Now, that was the most monstrous proposition he had ever heard made in or out of Parliament.

MR. I. BUTT said, he was afraid that they were discussing a question which did not then properly arise, instead of the proviso proposed by the hon. and learned Member for Horsham (Mr. S. Fitzgerald). He must avow himself to be in favour of the clause, but he did not think it convenient that it should be then discussed. He was also in favour of the proviso proposed by the hon. and learned Member, because he thought it perfectly reasonable that the landlord should get possession of his property, if he gave security for the payment of the tenant's claim against him.

MR. KEOGH said, he was not aware of any opposition to the proviso. If he were to offer an opinion, he would say he thought it wholly unnecessary. If, however, the proviso tended to make the meaning of the clause clearer, he had no objection to it.

Proviso *agreed to.*

Question put, "That the clause, as amended, stand part of the Bill."

The Committee *divided*: Ayes 83; Noes 84; Majority 1.

Clause 16 (Tenant, on giving up possession, entitled to remuneration).

MR. I. BUTT said, the clause proposed to give compensation to the outgoing tenant, but required the tenant to bring his action within two years after the expiration of his tenancy. He therefore begged to propose as an Amendment, that the tenant should bring his action within one year instead of two; and he intended further to propose that the tenant, on giving up possession, should fairly state to the landlord any claim that he might have to make.

MR. MACMAHON said, the hon. and learned Member must be well aware that under the existing law the tenant had six years to make a claim against the landlord for crops he had left standing. There was no reason, he considered, for limiting that right under the present Bill.

MR. KEOGH said, that the Government did not intend to adopt the Amendment of the hon. and learned Gentleman. He understood him to assent to the principle of the clause, and if the right of the tenant was once admitted he did not see any good grounds for limiting the time for making the claim.

MR. SERJEANT SHEE said, he was surprised that Irish landlords should be found to object to the clause. The intention of the clause was, that the outgoing tenant should not exhaust the land before he quitted it, and the clause was, in fact, as much a landlord's as a tenant's clause.

MR. I. BUTT said, he did not think the difference between one and two years a matter of such importance as to justify him in dividing the Committee upon it.

SIR WILLIAM JOLLIFFE said, he considered the clause one of the most complicated and impracticable pieces of legislation that could be conceived. It would be the means of giving rise to every possible objection that was now urged against tenant-right in this country. It went to adopt the tenant-right of Surrey and Sussex, which was generally admitted to be injurious, instead of that of Lincolnshire, which was universally acknowledged to be beneficial alike to the owner and occupier of the land, and was so described in their Report by the Agricultural Committee which sat in the year 1847. If the tenant-right of Surrey and Sussex were introduced into Ireland, it would be the curse of that country, by bringing half-dressings and half-fallows into consideration.

Mr. Serjeant SHEE said, the hon. Baronet was mistaken as to the tenant-right of Surrey and Sussex. The English tenant-right was a custom established by mutual agreement between the landlord and tenant; and no such custom would have existed had not its benefit been the result of experience. The existence of that custom was a proof of its advantage. Such a custom never had existed in Ireland.

Mr. CORRY said, he would propose to omit in line 27, the words "two years" and substitute "one year," which, he thought, was a sufficient period during which the tenant should be entitled to claim remuneration for the preparation of the land.

Mr. SEYMOUR FITZGERALD said, he considered that the tenant should only be allowed to make his claim for one year. Under the clause, as it at present stood, for the outgoing tenant would have the power of claiming of the tenant in possession compensation for two years' preparation of the land, which was most unjust, and it was impossible that such a claim could be rightly tested.

Mr. MACMAHON said, he hoped that the Government would not accede to the Amendment. It was very desirable that the system of three or four course husbandry should be introduced more largely into Ireland, and the Bill as it stood would tend to promote that system, while the proposed Amendment would have the contrary effect.

Mr. HORSMAN said, that as the periods varied very much in which the full value of manuring the land could be derived, it was considered fair that the period of two years should be fixed, and he trusted that the right hon. Member would therefore not press his Amendment. Under the Bill only reasonable compensation would be given, and if any difference arose between the landlord and tenant, the question would be decided by the assistant barrister.

Colonel DUNNE said, if compensation were given for two years, the landlord would be laughed at for a fool by the tenant. The tenant ought to make the land, not the landlord, pay him.

Mr. HORSMAN explained that reasonable compensation was only to be given, and that if any differences occurred the tenant would have the right of appeal to the sessions.

Colonel DUNNE said, he must point out the absurdity of sending the tenant of a three acre field first to the assistant barrister, and next to the quarter sessions, in case he could not agree as to the compensation he was to receive from his landlord. Really for a statesman in the position of the right hon. Gentleman to display so much ignorance of Ireland and Irish questions, made him quite ashamed of the connection the right hon. Gentleman had with Irish affairs.

Question put, "That the words 'two years' stand part of the Clause."

The Committee *divided*: Ayes 70; Noes 33; Majority, 37.

Mr. I. BUTT said, he wished now to propose the addition of the following proviso: — "Provided always that no such tenant shall be entitled so to recover, unless at or before the time of giving up possession, or within one week afterwards, he shall have served the landlord with a notice containing the particulars of his claim for such remuneration, unless it shall be established to the satisfaction of the Court before which such claim shall be heard that the landlord has waived the necessity of such notice." It appeared to him that unless the proviso which he wished to introduce were adopted, the landlord would be exposed to the greatest hardship. On the other hand, there would be no hardship on the tenant, as this was not a case in which he could be taken by surprise, and he was entitled to six months' notice. The best way of settling those matters was by equitable adjustment, one person coming on behalf of the landlord, and another on behalf of the tenant, but this could not be done if a period of two years were allowed to elapse. He was only anxious that the Bill should pass for the happiness and peace of Ireland, and he appealed to hon. Gentlemen to adopt the Amendment in justice to the landlord.

MR. J. FITZGERALD said, he thought that the proviso was unreasonable, because it required the tenant, who might be suddenly called upon to give up his possession, to know the law, and to serve the landlord with the "particulars of his claim" within a week. If the period proposed were within six months, instead of one week, he should not object to it. He was ready to consent to any reasonable term of notice, and would take care that nothing contained in the Bill should interfere with any agreement between the parties.

MR. SEYMOUR FITZGERALD said, he would suggest that the period of notice should be three weeks or a month, so as to enable both parties to ascertain the correct value of the improvements.

MR. H. HERBERT said, he thought the fairest period would be three months.

MR. I. BUTT said, he would rather withdraw his Amendment than adopt three months, in the course of which time the entire condition and aspect of the farm might be changed. But taking a short period, such as a week, would admit of an immediate survey being made, ensuring accurate ascertainment and adjustment. He was ready to accede to one month, but the great object was to prevent dishonest and vexatious claims being brought.

LORD NAAS said, he was inclined to think that the best mode of settlement would be by having two arbitrators to act for the landlord and tenant, or the outgoing and incoming tenant, whose decision should be binding. He would, therefore, propose a clause to that effect, providing that the survey of two arbitrators should be held, and their decision, or that of their umpire, given within a month.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 50; Noes 86: Majority 36.

MR. HORSMAN said, it was the opinion of the Government that a notice should be served within some limited period, and on the bringing up the Report he would propose a clause limiting the period to two months.

LORD NAAS said, he thought that, in order to prevent litigation, not only should a notice be served, but also the amount claimed should be specified at the time when the tenant terminated his occupation. He would, therefore, propose to add to the clause a proviso enacting that a proper valuation of the several matters for which remuneration was claimed should be settled by arbitrators, one on the part of the tenant, and another on the part of the landlord, within one month after the tenant gave up possession.

Amendment proposed, at the end of the clause to add the words—

> "Provided always, That a proper valuation of the several matters as aforesaid shall be made by two arbitrators, or their umpire, one to be appointed by the tenant and the other by the landlord, within one month after the tenant has given up possession; and the tenant shall be entitled to recover from his landlord the sum awarded by said arbitrators, and no more, in respect of the several matters aforesaid."

MR. KEOGH said, he objected to the proposed arbitration as likely to lead to inconvenience, in the event of the arbitrators disagreeing, and conceived that the clause just given notice of on the part of the Government would meet the object which hon. Gentlemen had in view.

MR. JOHN SADLEIR said, he hoped the noble Lord the Member for Coleraine (Lord Naas) would not press his Motion. Independent of the proviso which the noble Lord proposed to insert, it would be competent by the Bill for the landlord and tenant to have recourse to arbitration for the settlement of any differences which might arise between them.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 47; Noes 86: Majority 39.

Clause *agreed to.*

Clause 17 (If landlord after the time when the tenant could commence improvements, and before the registration of the declaration, shall proceed to evict tenant, such tenant may proceed by civil bill process against such landlord for compensation).

MR. SEYMOUR FITZGERALD moved as an Amendment the alteration of certain words, the effect of which, he stated, would be to prevent tenants getting compensation for improvements which they might have intended to make, but had not carried out.

MR. SERJEANT SHEE said, he should oppose the Amendment, on the ground that it would have the effect of inducing the landlord to evict a tenant the moment he heard that it was his intention to carry out any improvements.

Question put, "That the word 'has' be there inserted."

The Committee *divided*:—Ayes 129; Noes 36: Majority 93.

Mr. SEYMOUR FITZGERALD said, he would now move that, in line 6, the words "commence and execute" be omitted, and the words "commenced and executed" inserted in their place.

Colonel GREVILLE said, that in consequence of the adoption of the last Amendment, if a tenant complying with the provisions of the measure commenced improvements, and his landlord proceeded to evict him, should the words now under consideration remain in the clause the tenant would not be entitled to recover compensation for the improvements he might have effected. He considered that if the tenant had legally commenced improvements he should be entitled to recover their full value.

Mr. Serjeant SHEE said, that the object of the clause would be entirely defeated by the proposed Amendment, for if it were adopted the tenant would not be entitled to compensation, unless he had actually executed the improvements of which he had given notice.

Amendment *agreed to.*

On the Question that the clause, as amended, stand part of the Bill,

Mr. WILKINSON moved that the Chairman report progress. The Committee had already occupied more than five hours over the Bill, and as the noble Lord (Viscount Palmerston) had promised that the Limited Liability Bill would come on that evening, he thought, in order to allow of the fulfilment of that engagement, they should accede to his proposal.

Viscount PALMERSTON said, he hoped the hon. Gentleman would not press his Motion, for it seemed very likely that they would proceed smoothly with the remaining clauses.

Mr. I. BUTT said, when the hon. Member for Lambeth moved that the Chairman report progress, he (Mr. Butt) was about to make a Motion which would materially shorten discussion, namely, to omit the whole of the remaining clauses. He would do that on the ground that the whole of the remaining clauses related to the leasing powers, and those leasing powers were provided for by a separate Bill now before the House. If the Motion for reporting progress was not carried, he would move the omission of the clauses relating to leases.

Mr. BENTINCK said, he considered the whole of the discussion that evening as so much waste of time. The retrospective clause, which was a deliberate proposal to transfer a certain sum of money from the pockets of Irish landlords to the pockets of their tenants, had been thoroughly, and he hoped finally, disposed of. With respect to the prospective clauses, no Irish landlord with an atom of common sense would ever grant a lease without a covenant to make those clauses a dead letter. In the name of all that was impenetrable, what was the use of persisting in a Bill which led to nothing but discussion for the present and no good for the future?

Mr. COGAN said, that if hon. Members on the Opposition benches thought proper to persevere in their present course, it would be impossible to proceed with the Bill, and he should, therefore, advise the right hon. Gentleman the Secretary for Ireland to allow the Chairman to report progress.

Mr. HORSMAN said, he had not the least objection to accede to the proposition if hon. Gentlemen thought it right; but, having passed seventeen clauses which had particular reference to the interests of tenants, he hoped the Committee would not show an indisposition to address themselves to the remaining clauses, which were supposed to be rather in favour of the interests of the landlords. The Government having undertaken the Bill, and having passed it up to its present stage, he trusted the House would not now be disposed to adopt the suggestion of the hon. and learned Gentleman the Member for Youghal (Mr. I. Butt), and take the clauses which had already been passed and form them into a separate measure, but that they would proceed with the remaining portion of the Bill, without allowing any party considerations to interfere with it.

Mr. WHITESIDE said, he had no desire to defeat the Bill, or to obstruct its progress; but as it was a very important legal measure it required care and accuracy; and he thought his right hon. and learned Friend the Member for the University of Dublin (Mr. Napier) ought to be furnished with the Amendments proposed to be inserted in it before the measure was allowed to pass through Committee.

Mr. HORSMAN said, that the Bill was exactly in the same shape in which it had passed through the House of Lords, and, having been approved and adopted by the eminent judicial authorities of that House, the objections which the hon. and learned Gentleman had urged against it might be withdrawn.

Mr. BENTINCK said, the hon. Members on that side of the House could not be charged with unfairness when the clauses they wished to abandon were, as they had been told, exclusively favourable to the landlords. He did not wish to oppose the Bill, as he believed it would be a dead letter.

MR. MACMAHON said, he thought the better way would be for the Government to accept the seventeen clauses and dispose of the remainder in the way proposed by the hon. and learned Member for Youghal. If the Bill passed there would not in a few years be a lease in Ireland worth having. It would take away the power of granting leases for three lives, a very common kind of lease in Ireland, and it would even take away the power of the Crown to grant leases for more than twenty-one years.

VISCOUNT PALMERSTON said, he was not prepared to omit the latter part of the Bill, and should adhere to the whole of it; but it would be useless to persist in the Bill at present, if the Opposition were prepared to resist it. Therefore the Chairman had better report progress, and the Bill be resumed at the next morning sitting.

House resumed; Committee report progress.

STAGE CARRIAGE DUTIES, &c. BILL.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER moved the second reading of the Bill.

MR. SCHOLEFIELD said, he should move that the Bill be read a second time that day three months. He said he did so with reluctance, as no one was more desirous than he was for a reduction being made in the duties on stage carriages; but the hon. Gentleman, the Secretary for the Treasury, had introduced a clause which had nothing to do with stage carriages, but was intended to subject the members of Building Societies to stamp duties, from which they had hitherto been exempt. The clause was first introduced in the Friendly Societies Act, and he only discovered it at the last moment by accident. By means of the telegraph he communicated with the building societies, and a deputation waited on the hon. Gentleman, and they agreed to a compromise; but when they came to put it in words, they found it could not be carried out. A clause, however, was introduced which was totally different from the compromise. The House of Lords struck it out; and now the hon. Gentleman's ingenuity had suggested to him a mode of defeating both the House of Lords and the Building Societies, by inserting the clause in the Bill now before the House; because, being a Money Bill, the Lords must pass it or reject it as a whole, and thus they were deprived of their privilege of objecting to the clause. It was not right to charge the members of Building Societies, who were the most respectable of the working classes, with stamp duties from which they had been exempt for twenty years. If it was right to tax them, let them have the whole question of Building Societies brought before them, and let them not seek to tax them in this underhand manner. He only objected to that clause of the Bill.

MR. MASTERMAN seconded the Amendment. He thought it most unjust that they should levy taxation upon the people, in respect to a subject of which they at present knew nothing.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER said, that the hon. Member who opposed the second reading of the Bill had stated, that there was only one clause of the measure to which he objected. That clause had passed this House during the present Session; it had received full consideration, and had been deliberately adopted by the House in the Friendly Societies Bill. The Bill then went up to the other House; and, as it was there thought that the clause referred to was a revenue clause, and ought not to be inserted in a Bill relating to Friendly Societies, it was accordingly omitted. Under those circumstances, he had introduced the clause into the present Bill for the purpose of again bringing it under discussion. He knew that the clause was objected to by Friendly Societies, but he protested against the doctrine that it would affect only the interests of the poorer classes, for he knew that many of these societies dealt largely in land and made purchases to the amount of 50,000*l.* or 60,000*l.*, and he thought that no reason could be shown why, when purchases were made exceeding the amount specified in the present clause, they should not be subjected to the stamp duties. When the

Bill was in Committee, they could then consider whether they would or would not adopt this clause, but as the greater portion of the Bill was not objected to, he trusted the House would agree to the second reading.

LORD JOHN MANNERS said that, as the noble Lord at the head of the Government had spoken that night of the manner in which the public business was conducted in that House, he should in consistency instruct his colleagues not to conduct their business in the way his Chancellor of the Exchequer carried forward the present measure. The House of Lords had deliberately rejected the clause, as one introducing new taxation; and yet the Chancellor of the Exchequer, on introducing a Bill on stage carriages, inserted that very taxation clause. He should support any opposition that could be made to the Bill.

MR. HADFIELD said, he had done all he could to oppose the clause in the Friendly Societies Bill; but he did not like to risk that Bill by persevering in his opposition. He thought, however, it ought not to be urged that he and those who acted with him had deliberately passed the clause. He wished to know whether the Chancellor of the Exchequer would, when they went into Committee, agree to abandon that clause?

THE CHANCELLOR OF THE EXCHEQUER in reply, said, that he had previously stated that it would be competent for the House in Committee to adopt or reject this clause as they might think fit. If they refused to read the Bill a second time, they would throw out a clause respecting the mileage duty which he had introduced in the Bill in consequence of the discussions which had taken place on that subject.

SIR HENRY WILLOUGHBY said, he considered that any Bill imposing taxation upon the people ought to be introduced in the regular way by the Chancellor of the Exchequer. He would suggest to the hon. Member for Birmingham (Mr. Scholefield) to reserve his opposition until the 6th clause came regularly before them, when he would attain his object in the most effectual and convenient manner. He wished to know what was the extent of the amount of taxation the Chancellor of the Exchequer expected to raise from the tax? He also wished to learn from the Government what was the composition upon which the Inland Revenue made their calculations in regard to the mileage duties?

THE CHANCELLOR OF THE EXCHEQUER said, that he had introduced a clause into the Bill by which the power of compounding for mileage duty would be taken away. The reasons for retaining that power while the duty was at the rate of 1½*d.* a mile would not exist when it was reduced to 1*d.* A report of the Board of Inland Revenue, containing a full account of their proceedings in respect to that subject, had been made, and was now in the hands of the printers, preparatory to being laid on the table of the House. If after that Report was presented further explanations should be required, he should be happy to give them.

MR. HORSFALL said, he must complain of the levity with which the subject had been treated by the right hon. Baronet, who had said that the clause relating to Building Societies had been deliberately considered. Those societies, he told the House, had purchased property to the amount of 50,000*l.* or 60,000*l.* That was not correct. It was the Freehold Land Societies that had made those purchases; they were quite distinct from Building Societies, being formed for political objects; and the House would be surprised to learn that, under the clause, those societies were exempted from the tax to be imposed upon Building Societies, than which nothing could be more unjust.

MR. WILSON said, the question put by the hon. Baronet (Sir H. Willoughby), as to what amount of revenue was to be derived from the imposition of the tax, convinced him that the hon. Baronet did not understand the provisions of the Bill, which was not a measure for the imposition but for the modification of existing taxes. It was impossible to say what amount would be lost by a continuance of the exemption, the effect of which was to give to large associated bodies benefits which were denied to the poor man in his individual capacity.

MR. W. WILLIAMS said, he thought that Building Societies were deserving of every encouragement, and certainly ought not to be interfered with by a measure like the present.

Amendment by leave *withdrawn;* Main Question put, and *agreed to.*

Bill read 2°.

The House adjourned at a quarter before Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, July 16, 1855.

Minutes.] Public Bills.—1^a Lady Raglan's and Lord Raglan's Annuities; Ecclesiastical Jurisdiction Continuance; Crime and Outrage (Ireland) Continuance; Turnpike Acts Continuance (Ireland).

2^a Dublin Carriage Acts Amendment; Christ Church (Todmorden) Marriages Validity; Burial of Poor Persons.

3^a Endowed Schools (Ireland); Edinburgh Lands; Youthful Offenders (No. 2); Gold Wedding Rings; Commons Inclosure (No. 2); Incumbered Estates (Ireland) Act Continuance.

Royal Assent.—County Palatine of Lancaster Trials; Duchy of Lancaster Lands (1855); Union Charges Act Continuance; Cinque Ports; Indemnity; Court of Exchequer (Ireland); Stock in Trade; Copyhold, &c. Commission Continuance; Haileybury College; New South Wales Government; Victoria Government; Waste Lands (Australia) Acts Repeal; Militia (No. 2).

INDIA—REDRESS OF GRIEVANCES—PETITION.

The Earl of ALBEMARLE rose, pursuant to notice, to *present* a petition from the native inhabitants of the presidency of Madras, praying for a redress of grievances, and that the administration of the British territories in India be transferred from the East India Company to the Crown. The petition emanated from a public meeting convened by the sheriff, and was signed by 14,000 persons. The petitioners acknowledged the wisdom of that provision by which the government of the East India Company ceased to be definitively fixed for a period of twenty years; but they expressed their regret that the entire Bill contained no reference to anything calculated to improve the condition of the people of India, or any promise, definite or implied, for the redress of their grievances, to which he had called the attention of their Lordships on a former petition. He passed over many important parts of this petition, but he must especially advert to some of those "grinding exactions," as the petitioners called them, for which no redress had been given, and to which it did not appear likely that the Act of 1853 would give any relief. The inhabitants of Madras, who possessed more industry and intelligence than most of the other peoples of India, were in the lowest stage of misery and degradation, on account of the manner in which they had been threatened by the Government, to whom power had again been delegated. He would not again advert to that dreadful monopoly, the salt monopoly, as he had on previous occasions pointed out how productive it had been of misery, disease, and death; but he would refer to the tobacco monopoly. In a country like this, a tobacco monopoly might, perhaps, be advantageous to the revenue without being detrimental to the people; but the case was different in the hot climate of Madras, where tobacco was a staple produce of the soil. The petitioners adverted to a number of petty taxes which were peculiarly of Madras growth. One of them, which had not, he believed, hitherto been alluded to, was the Maturfa—a word signifying taxes on trade and professions—to which the East India Company gave a most extended signification. It embraced weavers, carpenters, workers in metals, salesmen, and shopkeepers. It was laid sometimes on the shop in which a trade was carried on, sometimes on the implements of trade, such as a weaver's loom; sometimes on the tools of artisans, such as a carpenter's saw; and it did not even disdain a barber's razor. It was most unequal and capricious in its assessments, being 1*s*. in one village and 10*s*. in another, and exempting the rich while it bore hardly on the poor. The European merchant, in his luxurious dwelling, was exempt, while the old woman at his gate was compelled to pay. Its hardship was greatly aggravated by the mode in which it was collected, and it was the cause of great cruelty and oppression. The amount raised by it from a population of 22,000,000 was not more than 115,519*l*., the miserable smallness of the sum arising from the abject poverty of the taxpayers. This, however, was not all that came out of the pocket of the unfortunate Hindoo—as out of every 1*l*. paid by him the Government received only 6*s*. 8*d*., while 13*s*. 4*d*., went towards the promotion of bribery and the encouragement of extortion in the officers of justice. There was another insignificant tax called "the small farms and licences," which was made up of several execrable petty monopolies. He would give the House a specimen of them. There were exclusive privileges of measuring corn and other articles, of sweeping the goldsmiths' workshops, of dyeing betel-nuts, of cutting jungle-wood, of gathering wild fruit and honey, of catching wild fowl, of cutting grasses for thatch and basket-making, and of gathering cow-dung. The tax brought 4,000*l*. a-year to the revenue, and any one would imagine that it must have been imposed exclusively for the promotion of bribery and extortion. The great tax to which he wished to call their Lordships' attention was the ryotwarree, a land tax assessed and called by the Government from each individual ryot or cultivator of the soil, without the intervention of a third party, and renewed every year. The tenancies ranged from ten acres to a single acre, and the population, purely rural, was as large as that of Great Britain, and comprised persons of every trade, profession, and calling. The professed object of the tax was to protect the cultivator of the soil from oppression, but that protection they were utterly unable to afford, and the cultivator was thereby deprived of his natural protection and handed over to the subordinate native officers. When an underpaid, necessarily corrupt, officer of the Government came into constant contact with the actual occupants of the soil, the greatest excesses must be expected to prevail, and legions of such underpaid officers were let loose upon the unfortunate inhabitants. Even when the assessment was light this tax was unjustifiable, but where it was exorbitant the hardship was, of course, greatly aggravated. Under the ancient Hindoo Government the *maximum* amount levied was $\frac{1}{4}$th, or 25 per cent. The Mahommedan conquerors doubled that assessment on the ground that the Hindoos were Infidels, and our Christian Government accepted this double assessment. A few years after we had brought the system into operation, instead of taking payment in kind we exacted a money payment, by which means the tax was raised from 50 to 75 per cent. By the exactions of subordinate officers the tax was virtually raised to 90 per cent, and, as it was impossible that this amount could be collected, Sir Thomas Munro, in 1820, reduced the assessment to 33 per cent upon some descriptions of land, and to 25 and 20 per cent upon other descriptions, and a similar reduction was made by Sir Charles Wood when he was President of the Board of Control. But these were mere nominal reductions. They were mere formal renunciations of that portion of the revenue which could not be collected, because the cultivators could not pay it. What was the practical effect of this system? The ryot was called upon for an amount of taxation, to pay which he must deprive himself and family of their means of subsistence. Was it surprising that he should try to evade such a payment by every means that cunning could suggest? But the Indian Government were peremptory: their order was *rem quocunque modo*, and there was no doubt of the mode in which the collection was effected. It was no longer a secret, for, from a report which would shortly be laid upon their Lordships' table, it would be seen that these taxes were wrung from the people by torture. It was now nearly a year ago since the employment of torture for these and other purposes was indignantly denied; but Sir Charles Wood—to his honour be it spoken—knew the value of such denials, and he caused an inquiry to be instituted in India, and a most voluminous book, which was about to be placed on their Lordships' table, would show the extent to which this abhorrent system had been carried. If they were not shortly about to enter into a full investigation of these horrible practices, he was prepared to show, from ducuments of a public and private nature, the frightful extent to which it had been carried in the presidency of Madras. He had mentioned this now, because he distinctly traced the employment of torture as a sort of inseparable condition attached to the ryotwarree system to which the inhabitants had been so long victims, and from which neither the Government of this country nor the Indian Act of 1854 had extricated them. Their Lordships had often heard in this House and the country the expression, that "property had its duties as well as its rights." We have seen how they exerted their rights as landlords, let us now see how they had performed their duties to their tenants. They had wrung from the people an enormous amount of taxation in proportion to their means; but had they afforded them any facilities, or done anything to enable them to bear the dreadful burdens imposed upon them? Every page of the 400 which were contained in that volume (Madras Public Works Report), to which he had alluded, would afford evidence of the gross and culpable neglect and mis-management of the East India Company. It would be seen that, from the neglect of means of transit, and in consequence of neglecting the works of irrigation—even the ancient works—the failure of the monsoon or periodical rains had been attended with famine of a greater or lesser degree. From 1802 to the present time no less than seven famines had visited this unhappy land. In 1832, in one of the twenty provinces of Madras, no less than 200,000 people had died from famine and the evils attendant upon it. But neither this nor subsequent enormous loss of life had been sufficient to warn the East India Company, or to cause them to adopt measures to prevent or mitigate these calamities. Another famine took place in 1838, but even this was insufficient to rouse the apathy of the Company, and the next famine found them almost equally unprepared; and when did their Lordships think the last famine took place?—in 1853-4, a few months after their Lordships had re-delivered into the hands of the Company that power which they had so uniformly abused. There was another point to which he desired to allude, and that was the management of the temples belonging to the Hindoos. This subject had caused much irritation in the minds of the people, and they regarded the way in which they had been treated both as an insult and an injury. Down to 1840, the East India Company took upon themselves the exclusive administration of the funds of the temples, and during the period of the Company's management the temples were allowed to go to decay, and the funds which should have been devoted to their repair found their way into the Christian treasury. In the year which he had mentioned, the Company, either from some feeling of compunction or twinges of conscience, transferred the management of those funds to some native churchwardens, but, as no precautions were taken, a vast number of cases of fraud and embezzlement on the part of the churchwardens occurred, and there were no means of bringing the offending parties to punishment. The petitioners give a curious illustration of this. The revenue of the Temple of Tripetty, amounting to 10,000*l.* a year, was consigned to the president of a college of Byraghees, a band of sturdy beggars, well known in that part of India. The new trustee had the decency, which his Christian predecessors had not, to defray the usual expenses of repair, amounting to 2000 and odd pounds, but pocketed the remaining 7,000 and odd pounds, having at this moment the irresponsible disposal of 110,000*l.* sterling. He had on the present occasion selected but a few of the many grievances which oppressed the people of India, but he thought that he had stated enough to show that great mismanagement prevailed, that the people of India had intelligence sufficient to perceive that this was the case, and that they had spirit enough to call for its removal. He thought also that he had shown that, of all the departments of the State, that most requiring administrative reform was that which was connected with India. The people could not look for the redress of their grievances to those whose interests were so diametrically opposed to their own —they felt that this would be futile; and they looked to the Crown and Parliament for an administration which would at once be simple, efficient, and economical, as they thought; and in this he cordially agreed with them, that the evils under which they suffered were primarily to be traced to that which was the worst of all absurdities—namely, a double government. The petitioners pray, therefore, that the territories of British India may no longer endure the suffocation of the resources of the country, nor the misrule and oppression of the inhabitants, by the continuance of an administration differing from that of every other dependency of the Crown, but that they may be as early as practicable placed under the management of an individual and responsible authority, subject directly and immediately to the Imperial Parliament.

EARL GRANVILLE said, that he did not now deem it necessary to follow his noble Friend through all the points of his clear and judicious statement. He considered that the noble Earl had exercised a sound judgment in omitting to mention certain points in the petition he had been entrusted to present. At the same time, he thought that the noble Earl had attached a greater importance to the petition as representing the grievances of the people of India than it was entitled to. With regard to the neglect of the temples, he had no information on the point to which allusion had been made; but he would only say that some time ago, at the instigation of certain persons in this country, the Government determined that they would no longer interfere with the native temples, and he believed that this resolution had been generally approved by the people of India. He certainly could not be expected to go now into a discussion of the extensive and complicated ryotwarree system; that subject might, no doubt, be debated by their Lordships with great advantage, but whenever it was debated it would take at least a whole evening to itself. It must not be forgotten that some of the best friends of the natives of India were of opinion that in no other way could an equal amount of revenue be collected from the natives without inflicting on them greater hardships. With regard to the subject of torture, the noble Earl had himself borne witness to the energetic efforts made by the Government to arrive at the truth of the allegations which had been made on this point; and he might rest assured that all the steps would be taken without a moment's loss of time, which the evidence might show to be necessary for the extinction of so terrible a system. The noble Earl had chosen an unfortunate period for blaming the Indian Government for its neglect of public works and the means of transport, for there never was a year in which so much had been done in this respect as in the year which had just passed. Telegraphic communication had been established over 3,000 miles, by means of which messages could be transmitted at a much cheaper rate than was charged either in this country or the United States, and at the same time 120 miles out of the 1,200 miles of railway between Calcutta and Lahore had been completed, along which the poorer classes were carried at the very low rate of ¾d. a mile. A system of postage, too, had been established, by which a single letter was carried at the uniform rate of ¾d. A loan of about 3,000,000*l.* had been devoted to improvement, and under a system of guarantee, devised by the Governor-General, some 13,000,000*l*, had been advanced for the expenses of public works. With regard to the prayer of the petitioners, that India might be governed by a functionary responsible to Parliament, he believed that, under the Act passed two years ago, the President of the Board of Control had full and complete power over the Government of India, and that he was in every sense of the word responsible to Parliament. No doubt the various points touched on by the noble Earl were all deserving the attention of Parliament, and he thought great praise was due to the noble Earl for bringing them under their Lordships' notice in so calm, clear, and impartial a manner.

Petition ordered to lie on the table.

DEFICIENCY BILLS—CORRESPONDENCE MOVED FOR.

Lord MONTEAGLE moved for Copies of all Correspondence between the Governor and Deputy Governor of the Bank of England and the Chancellor of the Exchequer, on the subject of the Departure from antecedent Practice in paying the Dividends as introduced by Mr. Gladstone in April, 1854. From the time of the formation of the Consolidated Fund on the recommendation of Mr. Pitt, it had been the invariable practice, at the commencement of every quarter, to strike a balance between the sums actually in the Exchequer and the liabilities to which the Consolidated Fund was then subject; and when, as was unfortunately too often the case, the charges to be provided for exceeded the funds actually in hand, the Government were empowered to issue Deficiency Bills for the amount required, on the security of which the Bank of England were empowered to make advances, and immediately proceeded to pay the charges due. Till the month of April, 1854, these Deficiency Bills were all issued at once for the amount ascertained to be wanting; but, last year, a practice was introduced of only issuing just such an amount of Deficiency Bills as it was thought would be sufficient to meet the current demands of the day. The change which had taken place was not, in his opinion, creditable to the Treasury, and practically produced no saving to the public; for arrangements might have been made between the Bank and the Chancellor of the Exchequer to prevent any possibility of excess of charge. Since the new arrangement had been made, the country had only escaped by miracle from a suspense of the payment of the dividends. A departure from the undisturbed usage of fifty years, regulating the payment of interest of the national debt—a usage not complained of by any one—was a matter on which their Lordships had a right to ask for explanation. A course had been taken by the Government to which the Bank stated that they were indisposed to assent, and they required the intervention of the Government to indemnify the Bank from any injurious result attending a change the legality of which was controverted. The Government gave a pledge to guarantee the Bank; and he wanted to know what was the guarantee entered into? It could hardly be denied that the subject was one of the gravest public importance, especially at the present moment, when new loans were about to be contracted.

Earl GRANVILLE said, he really never could conceive the feelings of a railway-buffer until he found himself sitting in that capacity, Session after Session, in the long-continued collision between the noble Lord and the right hon. Gentleman the late Chancellor of the Exchequer (Mr. Gladstone). Chancellors of the Exchequer passed away; but the noble Lord, immortal and unchanged, remained to wage this battle, with perfect good will, certainly, and courtesy to the unfortunate buffer before their Lordships; but, at the same time, with great vigour and energy. He believed the noble Lord to be perfectly accurate with respect to the practice of issuing money for the purpose of paying the dividends up to 1854. The noble Lord seemed to treat the change then made by the late Chancellor of the Exchequer as most wanton and unnecessary. But the ground on which the late Chancellor of the Exchequer came to that conclusion was, that it appeared to that right hon. Gentleman, as it also did to him (Earl Granville), that that which the Government had been doing was devoid of common sense. The borrowing from the Bank of a large sum of money, which it was almost physically impossible should be required for the purpose in view, the giving an appearance thereby of a deficiency which did not exist, and at the same time paying interest for money not wanted, appeared to be a very senseless proceeding. The course taken by the late Chancellor of the Exchequer was this—instead of issuing Deficiency Bills for an amount which could not possibly be called for on the first day of paying the dividends, the right hon. Gentleman provided for the largest sum ever called for on one day, and, over and above that, gave a large margin; and so by the accruing revenue perfect security was taken for the maintenance of good faith with the public creditor. On this subject a large correspondence had taken place between the late Chancellor of the Exchequer and the Bank; and last year he (Earl Granville) informed the noble Lord that it was of a private character. The noble Lord, however, was perfectly accurate now in stating that one of those documents, from the heading, partook technically of the nature of an official document. The whole of the correspondence had been left by the late Chancellor of the Exchequer at the Treasury for the information of his successors, and, as he had on a former occasion stated, that right hon. Gentleman had personally no objection to its production. The Governor of the Bank of England, Mr. Hubbard, in answer to a question which he had put to him, stated, that personally he had not the slightest objection to the whole of the correspondence being produced; but, on asking him whether, putting the personal question aside, he thought it was for the public advantage that the correspondence should be published—his answer was "No." In the same way the right hon. Gentleman the late Chancellor of the Exchequer stated, that personally he had not the least objection to the publication of the correspondence; but on putting to him the question, whether he thought it would be for the advantage of the public to do so, he replied in the negative. The opinion of the present Chancellor of the Exchequer, was also asked, and he answered, "that though of course Parliament had a perfect right to call for these documents if it thought fit, yet, as a matter of expediency, it would not, in his view, be for the benefit of the public that they should be produced." It was on these grounds that he objected to the proposal of his noble Friend, and he hoped that under these circumstances he would not persevere in his Motion.

LORD MONTEAGLE said, he had not made his Motion from mere curiosity, but from an anxiety to have on the table a correspondence which had produced an absolute change in the whole mode of paying the public creditor, and had overthrown every precedent upon the subject. To this change the Bank objected; the Directors, as he understood, disputed the legality of the change, and only acquiesced in it upon receiving from the Government a guarantee or indemnity, which was practically an indemnity entered into by the State. He asked their Lordships to call for these documents, and thus see what this engagement was, and whether it was a wise or an unwise one into which the late Chancellor of the Exchequer had entered. He should not be discharging his duty to the public if he did not press for the production of this correspondence. He was at a loss to conceive how the Government could refuse to a House of Parliament that which was already known to every Bank director, and from the publication of which no harm could result to the public service. Why, then, should it be withheld? He hoped their Lordships would not abandon their just privileges, but would by their vote enforce the production of these papers.

THE EARL OF DERBY would like to hear from his noble Friend opposite (Earl Granville) on what ground he entertained the belief that the production of the information sought for could be in the slightest degree prejudicial. His noble Friend (Lord Monteagle) had shown that negotiations had taken place between the Bank and the Government, which had led to a total change in the system of paying the public dividends; and when it was considered that a portion of the correspondence which had taken place involved a guarantee, without which the Bank would not have entered into the new arrangement, he thought his noble Friend was not asking too much when he wished to have all the information on the subject that could be produced. There was no question at present as to the approval or disapproval of the new system. As his noble Friend observed, it might be a most beneficial arrangement, or it might be one involving considerable difficulties in connection with the payment of the public securities; but it was surely right that their Lordships should know what the arrangement was. How the correspondence could be of a private character, or its production prejudicial to the public interests, he could not see—more especially as the whole of the correspondence had been laid *in extenso* before the Court of Directors of the Bank of England.

Earl GRANVILLE said, that the principal objection raised by the direction of the Bank to the change was, that it would be illegal. The right hon. Gentleman the late Chancellor of the Exchequer took the opinion of the law officers of the Crown upon that point, and fortified that opinion by a reference to the noble Lord upon the woolsack. That opinion was, that the course which he proposed was legal, and that being legal he was bound to pursue it. He did not see that this correspondence could give their Lordships any information beyond what his noble Friend (Lord Monteagle) had shown himself to be already possessed of. At the same time he was unwilling, without strong reasons, to refuse any papers which might be asked for; and if his noble Friend (Lord Monteagle) still pressed for the production of this correspondence, and was supported by his noble Friend opposite (the Earl of Derby), he should not divide their Lordships against him.

Motion *agreed to.*

RELIGIOUS WORSHIP BILL—RECOMMITTAL.

The Earl of SHAFTESBURY, in moving the recommittal of this Bill, said, it had been discovered since it passed through Committee, that there already existed on the Statute-book an Act, the 42nd *Geo.* III., passed in 1812, allowing places of religious worship to be registered, not as Dissenting, but as Protestant, places of worship. As, therefore, there already existed an Act securing to members of the Church of England seven-tenths of that which by the measure he had introduced he wished to procure for them, all that remained was to claim for private dwelling-houses the privilege of being protected for the purposes of worship, in accordance with the provisions of that Act, for more than twenty persons. He had met the most rev. Prelate (the Archbishop of Canterbury), who, on the part of the right rev. Bench, admitting the present law to be as he had stated it, had declared that he had no desire to interfere with the passing of the Bill, which had been altered in such a way as to meet the objections entertained by the right rev. Prelates. He (the Earl of Shaftesbury) hoped that the Bill might now meet with their Lordships' favour, and that thereby the heat that had been excited would be allayed, and the members of the Church of England go on as before in harmony and charity.

Moved, That the Bill be referred back to the same Select Committee, to whom the said Bill was committed.

The Archbishop of CANTERBURY said, he had conscientiously felt it his duty to oppose the Bill as originally introduced by his noble Friend; but his noble Friend now proposed to recommit the Bill, with the view of obviating the objections which had been raised against it. He had considered the alterations which the noble Earl proposed to introduce, and he would take the liberty of stating that it was not his intention to object to the measure as now amended.

Lord REDESDALE suggested that the Bill be referred back to the same Select Committee as inquired into the former measure.

The Earl of DERBY supported the suggestion of the noble Lord (Redesdale), and further recommended that his noble Friend (the Earl of Shaftesbury) and the most rev. Prelate be added to the Committee.

The Earl of SHAFTESBURY had no objection to that course, which he believed was in accordance with precedent.

The Earl of DERBY said, he believed

that the Bill, as now proposed by the noble Earl, had been considerably shortened, while it would still have the effect of relieving from any penalty persons who worshipped in a private house. It would be in the recollection of their Lordships that when, by the direction of the Committee, he introduced a Bill on this subject, he stated that he was not indisposed to accept an Amendment of the law upon this point. He would not object to the Bill being sent to the Select Committee, and proposed that the most rev. Prelate (the Archbishop of Canterbury), and the noble Earl (the Earl of Shaftesbury) should be added to that Committee.

Motion *agreed to;* and the Lord Archbishop of CANTERBURY and the Earl of SHAFTESBURY added to the Committee.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 16, 1855.

MINUTES.] NEW MEMBER SWORN.—For Cheltenham, Grenville Charles Lennox Berkeley, esq.

PUBLIC BILLS.—1° Powers under Improvement Acts Regulation; Court of Chancery (Ireland); Vaccination.

2° Grand Juries (Ireland) (No. 2); Chinese Passengers' Ships; Leases and Sales of Settled Estates; Trinity College (Dublin); Court of Judicature (Prince of Wales Island, &c.); Crown Suits.

3° Merchant Shipping Act Amendment; Turnpike Acts Continuance; Turnpike Trusts Arrangement; Militia Officers' Qualification; Lunatic Asylums (Ireland); Mortmain.

THE MALT DUTIES—QUESTION.

MR. E. BALL said, he wished to inquire if the Chancellor of the Exchequer had taken into his consideration the inconvenience and loss sustained by the maltster from his being obliged to find securities for the payment of malt duties, and the great hardship that persons so becoming securities made their entire property responsible for the said duties, and were prohibited from disposing of any portion of their estate in lands or houses?

THE CHANCELLOR OF THE EXCHEQUER stated that the particular grievance of which the maltsters complained was, that after their bonds had been registered in the Court of Common Pleas, there was no cheap or ready mode by which their obligations might be removed, after the necessity for the continuance of those obligations had ceased. He had made inquiry into the state of the law on the subject, and should be prepared to propose the extension of the regulations which were introduced with respect to the bonds given in the Customs Department under a recent Act of Parliament. He believed that the extension of the regulation, as now applied to the Customs, to the Inland Revenue Department, would be sufficient to remove the grievances complained of, and he should propose a clause, giving effect to that extension, in the Bill relating to the excise and stamp duties, which would come under the consideration of the House on Wednesday next.

TRANSMISSION OF NEWSPAPERS TO THE COLONIES—QUESTION.

SIR STAFFORD NORTHCOTE said, that considerable inconvenience having arisen in consequence of the different interpretations put by the postmasters on the regulations issued by the Post Office authorities in regard to the transmission of newspapers to the British colonies, he begged to ask the Secretary to the Treasury the following questions—

"Whether the charge for the transmission of newspapers to the British Colonies is higher now than it was before the passing of the recent Newspaper Stamp Duties Act?

"Whether the charge for the transmission of newspapers to the British West Indies is higher than the charge for their transmission to Peru, New Granada, and other foreign countries?

"Whether the charge upon the transmission of newspapers to the Colonies has been so raised with a view to compensate the revenue for the loss sustained by the partial repeal of the stamp duty in this country?

"Whether any arrangement can be made for forwarding to the West Indies by the mail of the 17th instant such newspapers as may have been erroneously posted, either with an impressed stamp, but without a postage label, or with a postage label, but without an impressed stamp, before the last notice issued by the Postmaster General; and, whether such orders have now been given on the subject of the postage of newspapers as will prevent any future misconception on the part of the district postmasters?"

MR. WILSON said, in reply to the first question, he might say that the charge for the transmission of a newspaper to the Colonies was higher than before the alteration of the law, inasmuch as a newspaper went free of postage before that time, whereas it was now charged 1*d.* independently of the stamp. In answer to the second question, he had to say that the charge for the transmission of newspapers to the British West Indies was higher than the charge for their transmission to Peru, New Granada and other foreign countries, inasmuch as we had treaties with those countries which compelled us to send newspapers altogether free; therefore, the impressed stamp was not considered as a postage stamp; but, in all cases where we had no treaties to bind us, the charge was 1*d.* independently of the impressed stamp. With regard to the newspapers for the Colonies that have been posted up to the present time, the authorities at the Post Office would forward every newspaper with an impressed stamp, although it might not have an adhesive stamp; but no newspapers would be forwarded in future to the West Indies, or to foreign countries, without an impressed stamp. Every means had been taken to inform the local postmasters as to the state of the law, but some irregularities must, in the first instance, be expected.

Sir STAFFORD NORTHCOTE said, the hon. Gentleman had not answered the third question.

Mr. WILSON said, that it was impossible to say whether the question of compensation of the revenue entered into the consideration of the charge to be made for the transmission of newspapers to the Colonies. He ought to say that the increased Colonial postage was in contemplation prior to the Newspaper Postage Act.

GENERAL GUYON—QUESTION.

Mr. H. HERBERT said, he believed the noble Lord at the head of the Government was perfectly familiar with the name of General Guyon, who was conspicuous for his services in the war for the independence of Hungary. That gallant officer was employed in the Turkish army at Kars last year, but by means of intrigues on the part of the Turkish generals he was removed from his position. He begged to ask the noble Lord whether he had any objection to instruct the British Ambassador at Constantinople to procure a military command for General Guyon?

Viscount PALMERSTON said, that, with respect to the gallant officer to whom the question referred, he was glad to bear the same honourable testimony which the hon. Member had borne to the gallantry of that officer, and to the very valuable and meritorious services which he had rendered to Turkey since he had been employed in the service. The gallant officer was for a considerable time last year employed with the Turkish army in Asia. Circumstances led to a temporary cessation of that command, and General Guyon was now at Constantinople, and it would give him (Lord Palmerston) great pleasure to hear, and be a source of sincere satisfaction to the Government if they found, that circumstances might again lead to his re-employment in an important post of the Turkish army.

OFFICE OF POSTMASTER GENERAL—QUESTION.

Mr. MOFFATT said, he begged to inquire whether it was the intention of Her Majesty's Ministers to avail themselves of the present vacancy to abolish the office of Postmaster General, and to appoint a Chairman responsible to the Treasury, in conformity with the more economical and practical system which obtains in the other great departments of public revenue—namely, the Customs, Excise, Stamps, and Taxes?

Viscount PALMERSTON: The Post Office is to a certain degree, no doubt, an office of revenue, inasmuch as the Post Office service produces a certain amount of revenue to the country, although not very large. But I consider that the Post Office differs very essentially from those departments which are purely and mainly employed in the collection of revenue. The Post Office is rather an office of administration than an office of revenue. Of late years it has been the opinion of those in this House who have most turned their attention to these matters, that the main duty of the Post Office is not to collect revenue for the public, but to effect easily and readily the cheap transmission of correspondence for the convenience of the public, and for the promotion of the commercial interests of the country. I look upon that as being the main object of the Post Office Department, and that it has executive functions rather than mere functions of revenue. It appears to me, from these circumstances, that the Post Office should be a department connected with the political and responsible advisers of the Crown, and that it would not be for the public interest to separate it from the Administration of the day by placing it upon the same footing as the Customs and Inland Revenue Departments. I do not think that any economy would result from the change, and considerable inconvenience might arise from the department being disconnected with the responsible Government of the day.

MINISTERIAL EXPLANATIONS—RESIGNATION OF LORD JOHN RUSSELL.

Upon the clerk proceeding to read the Order of the Day,

LORD JOHN RUSSELL rose and said: Sir, my noble Friend at the head of the Government has given notice of a Motion to postpone the Order of the Day for the purpose of allowing the hon. Baronet opposite, the Member for Hertfordshire (Sir B. Lytton), to bring on the Motion of which he has given notice. Sir, as that Motion refers both to my conduct at Vienna, and also to my continuance in office since my return from Vienna, I think it right to state to the House that which has great bearing on the Motion about to be brought on. I have to state to the House that, having on Thursday evening informed my noble Friend the First Lord of the Treasury of my wish to retire from the service of the Crown, Her Majesty had been graciously pleased to accept my resignation, and therefore I now only hold office until my successor shall be appointed. I should be disposed to rest satisfied with this declaration, were it not that recent events have been of so complicated a nature in themselves, and also been so perverted by malice, that I think it desirable to place before the House some account of my conduct in these recent and very difficult transactions. It has been stated in a circular issued by the Austrian Government, and which has been often referred to in the course of the late discussions, that I informed the Austrian Minister for Foreign Affairs, before I left Vienna, that I would use any influence which I might possess to procure the acceptance of certain Austrian propositions which were to be an *ultimatum.* Sir, I do not dispute the general correctness of that assertion. It is not true, however, as has been stated, that I engaged to state to the Cabinet the views I entertained, but it is true I promised to lay those propositions before the Cabinet in the most favourable manner. I did so in conjunction with other persons of great weight and authority. Besides the three resident Ministers of France, Great Britain, and Turkey, there were at that time in the capital of Austria the Minister for Foreign Affairs of France and the Minister for Foreign Affairs of Turkey. After many and repeated discussions, there was at length a proposition made to us which both the Minister for Foreign Affairs of France and the Minister for Foreign Affairs of Turkey—a person certainly less well known in this country, but who is a man distinguished for his intelligence, sagacity, and knowledge of the affairs of Europe—thought might be accepted as the foundation of a proposition to be hereafter made for peace. I concurred in those opinions, and, after a confidential interview with M. Drouyn de Lhuys, we agreed to bring it before our Governments—I verbally, he making a written communication. I will not now enter into the nature of these propositions, although I may have something to say about them by and by. I brought these proposals to London. I arrived on the night of the 29th of April. On the 30th there was a Cabinet Council on the subject of the recent negotiations at Vienna. I have already stated that the result of the discussions of the Cabinet was, that these propositions were not adopted by the Government of this country. But, Sir, I think I should state, to complete what I then said, that there were circumstances which arose in the course of these discussions which made it appear to my mind impossible to urge the acceptance of these propositions upon the Government. There was, therefore, at the end of that week—the first Cabinet Council being held on the Monday—a concurrence of all the Members of the Cabinet that the propositions could not be adopted. I should say the circumstances to which I allude were circumstances quite independent of the merits of the propositions themselves, and did not in the least alter my opinion of the merits of those propositions. Sir, this agreement having been come to, Lord Clarendon wrote a despatch, which is in the papers recently presented to Parliament, and dated the 8th of May.

Now, Sir, a few words with regard to the merits of those propositions; not that I wish to enter upon them at all completely, but I do so in consequence of an observation which was made by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). The right hon. Gentleman said that those propositions were such as to convince the people of this country that if those propositions were received there was not that great issue at stake which justified the exertions which this country was making to carry on the war. Now, Sir, it was because I thought the war was necessary—because I thought those exertions should be made—that I became the bearer of those propositions, and thought they were fit to be accepted.

I conceived the magnitude of the peril of Turkey to be such—I conceived both the power and the projects of Russia to be such, that it was necessary, if possible, to unite all the great Powers of Europe out of Russia in order to combine against her efforts in war, and afterwards to give Turkey security in peace. Such, therefore, was the foundation of my opinion—an opinion certainly not formed on the merits of the earlier of those propositions; because the House will find—at least, those hon. Members who have read the papers recently printed will find—I objected to that which is the main principle of these propositions — namely, the principle of counterpoise. But when these propositions came to be enforced—which they were only the day before I left Vienna, or, perhaps, the very day—by the declaration of the Emperor of Austria, through his Minister, that he was ready both to present those terms as an *ultimatum*, to St. Petersburg, and after the conclusion of a treaty, if a treaty should eventually be concluded, to enter into an alliance—a defensive alliance with France and Great Britain—to prevent and to resist any future aggression on the part of Russia against Turkey, then I did think that thereby security would be obtained for the future peace of Europe, which, whatever might be the services of the arms of France and Great Britain, and however glorious their efforts might prove, they would scarcely place Turkey in a secure position if Austria did not combine with us, or if she should at a future period participate in the designs of Russia. In stating those opinions I should hardly expect to hear any different views expressed by the hon. Baronet the Member for Hertfordshire, because, speaking, as he always does, with great eloquence and great ability, he pointed out, on a recent occasion, the advantage of having Austria as an ally, and the importance of her position in the centre of Europe. Such then, Sir, were the general grounds on which I thought that these propositions might be accepted. I have said already that they were not accepted, and that the Cabinet—some for one reason, some for another—concurred in the despatch of Lord Clarendon which rejected the propositions made by Count Buol. Now, Sir, that despatch was written upon the 8th of May, and upon the 16th of May Lord Westmorland wrote a despatch containing the views of the Austrian Government, in which he stated that the Austrian Government conceived that by proposing an *ultimatum* they had fulfilled the conditions of the treaty of the 2nd of December, and they proposed only that they should in conference lay down some proposal for the limitations of the Russian fleet, declaring, at the same time, to France and Great Britain that, having complied with the terms of the treaty of the 2nd December, if that proposition were rejected by Russia they did not mean to make it a *casus belli*, and would break up the conference and retire. When we received that proposition there was no doubt on the part of Her Majesty's Government — and I think that there could not well be a doubt —that it was not worth while to go into conference to support a proposition of that kind, it being a proposition less favourable to the allies than the condition which had been proposed by M. Drouyn de Lhuys and myself, when it was nearly certain that Russia would reject it, and quite certain that Austria would not support it to the extent of going to war, or even of making any further preparations for war. Instructions were accordingly given to Lord Westmorland that if such a proposition were made in the conference he should not discuss its merits—that he should not enter into any further debate, but should declare that in the views of Her Majesty's Government it was desirable to put an end to the conference. Similar instructions were given to the Minister of the Emperor of the French. Now, Sir, that proposition of Austria, to which I have referred, arrived here on the 19th of May; from that time, therefore, there was altogether an end of any negotiations with Austria for the purpose of proposing an *ultimatum* to Russia, and there could be no longer any doubt whatever that the war must be continued in order to obtain the object which the allies sought. The third point declared that the effectual arrangements for carrying that point into effect must depend upon the events of the war. I will, however, take the liberty of reading to the House the very terms of that third point—

> "The revision of the treaty of July, 1841, must have for its object to connect the existence of the Ottoman Empire more completely with the European equilibrium, and to put an end to the preponderance of Russia in the Black Sea. As to the arrangements to be taken in this respect, they depend too directly on the events of the war for it to be possible at present to determine the bases; it is sufficient to point out the principle."

We have reverted, therefore, to that condition of things in which it was necessary to carry on the war, in order to obtain a solution of the third point, which solution we had not been able to obtain by negotiation. This refers, Sir, therefore, to the first part of my conduct, which has been impugned—namely, to what I stated to the Minister of Austria, confidentially, at Vienna, and the conduct that I pursued when I came home in my acquiescence in the decision that was arrived at, and my concurrence in the determination of the Government relative to carrying on the war.

Well, Sir, the next period is when the right hon. Gentleman opposite (the Member for Buckinghamshire) made a Motion in this House which my noble Friend at the head of the Government told him was made before the negotiations could be said to be formally closed, but which he persisted in, and which ended in this House giving the assurance that it would support Her Majesty in the vigorous prosecution of the war. It has been made a reproach to me by the right hon. Gentleman and by others, that in that discussion I took part, and spoke in favour of the vigorous prosecution of the war. I think the right hon. Gentleman said that I was the uncompromising advocate of war. Well, Sir, on reflecting on my conduct upon that occasion I do not really see what else I could possibly be. The Government had determined that the negotiations must be put an end to, the conferences were closed, and what other means were there to obtain a solution of the third point and to obtain peace, except by the prosecution of the war? The main question then discussed—indeed the only propositions discussed were the propositions which had been made by Russia in the conferences. It was maintained by those who thought that peace might be secured, that the propositions of Russia afforded sufficient elements upon which to frame pacific conditions. I had entirely differed in the conferences with respect to the first proposition; the second proposition was rejected by Lord Westmorland without discussion, as I thought most properly, because it appeared to me that neither of those propositions contained the elements of peace, and therefore I naturally—and as I think inevitably—took the course I did of agreeing with this House in supporting Her Majesty in the prosecution of the war, considering that there was no other course to pursue. It has been said that at the time the House was not informed with respect to the proposals of Austria in the form in which they had been laid down by her, and the answer which had been returned to those proposals; but I was not the party chiefly responsible for that communication not being made. Of course the Foreign Secretary is the person upon whom that duty principally devolved, but I think that the Government were quite right in not producing the papers at that time. Putting aside all questions of form as to the exact period at which those discussions could be said to have been formally concluded, it was clear that the mere announcement of the decision of Austria not to interfere by force, not to move her armies upon the Russian territory, but, on the contrary, to withdraw from any prospect of a contest even to the extent of diminishing and reducing her forces, could not operate favourably to us. It was quite evident that the moment Russia, who had been threatened—Russia, who had felt the pressure of the great increase of the Austrian army from a small force to nearly 500,000 men —perceived that that pressure would be taken off, she would immediately feel herself at liberty to detach some of the best and finest of her troops to the shores of the Crimea, to oppose the armies of France and Great Britain. I think that it would have been quite unjustifiable for the Government of this country to state prematurely, or before it could be known through other channels, that the immediate decision of Austria was not to propose an *ultimatum*, and that therefore Russia would be at once enabled to detach her armies from the Austrian frontier, and to send them to the Crimea. I cannot conceive a greater dereliction of duty than the premature declaration by Her Majesty's Government of such a conclusion to the negotiations with Austria, and it appears to me that it would have been quite unnecessary for the purpose of informing the House upon the proposition of the right hon. Gentleman what course they should adopt. I can well conceive that if the Government had themselves come forward to propose a Motion in this House they might then have waited, they might have delayed till the whole of the papers should have been laid upon the table, and perhaps about this time they might have proposed a Vote upon their own responsibility. But the House is well aware that such a course was not left to the Government to adopt.

On the contrary, first one right hon. Gentleman, and then another right hon. Gentleman, was anxious to come forward and discuss the whole subject, and the Government were forced into that discussion in the then state of the negotiations. But, Sir, as I have already stated, on the 24th of May there could have been no hesitation, no doubt in the minds of Her Majesty's Ministers, as to what was the result of those negotiations. The right hon. Gentleman the Member for Buckinghamshire said that I was the uncompromising advocate of war, and he seemed to have a notion—which, as I think, has been, as it were, adopted without reflection by a great number of persons—that there are two abstract theories, one peace and the other war, and that a person must be, under all circumstances, either for one or the other. I myself regretted that some years ago the persons who put themselves forward as forming a Peace Society were at all events and under all circumstances the advocates of peace. I believe that the existence of that society and the professions they made tended to the very opposite conclusion to that of peace, and rather induced Russia and other foreign Powers in a hostile position to us to think that we should be loth to take up arms in our own defence. But, Sir, to say that because we are engaged in a great war with Russia we must go on, and there must be no terms upon which we can settle peace, would be such an absurdity that no man could fairly and reasonably adopt such a doctrine. The right hon. Gentleman (Mr. Disraeli), however, speaks of it as if it were that absolute kind of conclusion. Her Majesty's Government, however, had taken no such views; they had proposed a plan of limitation of the Russian fleet, upon which they would have made peace. They considered that that was a security, although it was in itself an imperfect security. I never have contended it was otherwise, but I think that Her Majesty's Government were perfectly right in saying that if they could obtain such a security they might have accepted it, for peace is preferable to war. In short, every one who considers the matter must come to the conclusion that peace and war are not those abstract things which the right hon. Gentleman opposite supposes; but that peace is not desirable at all times while war is desirable at many times, and that the particular circumstances of the period must be taken into consideration. For my own part there are many instances in the history of Europe in which I think that war was a necessity for this and other countries, and in which one cannot but sympathise with those who were engaged in it; for instance, with the Dutch when they opposed the dominion of Spain, and with the Dutch again when they opposed the invasion of the French in the time of Louis XIV. But no one would say, because war was desirable at that time, that there were not circumstances in which peace should not be preferred. I say this because it certainly seems to have been a reproach to me that upon the 1st of May I was of opinion that arrangements might be made by which, with the concert of the Emperor of the French and the concurrence of the Emperor of Austria, there might be terms proposed at St. Petersburg which might lead to peace. Undoubtedly I thought so; but when those terms could not be proposed I naturally fell back into the former situation in which I had been from the commencement of the war, thinking that the war must be vigorously prosecuted until the time should come when the preponderance of Russia should be effectually curbed, and the events of the war should have prescribed the conditions upon which a treaty might be based. Such, Sir, was the essential part of my conduct with regard to the speech which I made upon the 24th of May, when the right hon. Gentleman the Member for Buckinghamshire brought forward his Motion in this House. I then advised the House to persevere in the vigorous prosecution of the war, and I continue in that opinion and to give that advice still. I may say, perhaps, that during that week which I have mentioned—beginning upon the 30th of April, and ending, I think, with Saturday, the 5th of May—there was naturally much consideration as to what should be done; but from that time, the part of the Government being taken, there were no questions with regard to any fresh negotiations which created any long deliberations in the Cabinet. On the contrary, the Government were as united as any Government I have ever known, and were as completely agreed as any Cabinet I have ever seen during the more than two months which have elapsed since that period.

I come, now, to another time, and that is when the hon. Gentleman the Member for Radnorshire (Sir J. Walsh) put a question to me as to a certain State Paper which he had seen in the newspapers, and when my right hon. Friend the Member for Manchester (Mr. M. Gibson) made, upon what I thought a very inappropriate occasion, an attack upon me for my conduct. The right hon. Gentleman said that I had led the way almost in branding the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) as a person willing to consent to an ignominious peace, when I myself had been willing to accept the same terms, and was as much an advocate for that peace as he was. I did not reply to that attack at the time, but when the right hon. Gentleman gave notice that he would formally call the attention of the House to the subject, I thought it necessary to declare what I had done and that which I had thought, and not to deny any portion of my conduct. I communicated with my noble Friend at the head of the Government and with my noble Friend the Secretary of State for Foreign Affairs as to the part which I meant to take in that debate. I thought that it would have been totally unworthy of my position if I had shrunk from those questions, and had refused to answer the call which was made upon me to say whether or not I was in favour of those same proposals which my right hon. Friend the Member for the University of Oxford thought contained the elements of peace. I pointed out that the proposals which were made by Austria, which Count Buol had shortly given in his circular, and which I explained at somewhat greater length were proposals of a totally different nature ; and I avowed that I had been in favour of those proposals when they were brought to this country, they having the assent of all the Ministers of France, England, and Turkey at Vienna. Now, Sir, I do not know, in looking back to that speech, however ill I may have expressed myself, that I could have done otherwise than own the opinion I entertained and the part which I had taken. I should have been ashamed of myself if I had denied that which I had done and that which was my conscientious opinion, founded upon my views of the circumstances of the times. Well, Sir, the hon. Baronet opposite (Sir B. Lytton) thinks that that is a ground for want of confidence in the whole Administration of which I was a Member. He is of opinion, because I took the view that the Austrian proposals might have been accepted in the first days of May, that I must be ever thereafter incapable of serving Her Majesty with the intention of carrying on the war. That impression seems very generally to prevail. I myself neither see the logic of that proposition nor do I concur in the justice of its conclusion.

I come now, Sir, having stated these matters as shortly as I could, to that last period in which I thought it necessary that I should tender my resignation of the office I held in the Government. When my noble Friend the First Lord of the Treasury first occupied himself in obeying Her Majesty's commands to form a Government, he did me the honour to ask for my assistance in office. I declined the offer at the time, and I felt convinced, with the assistance which he obtained of men of great eminence and talent, who are now present in the House,—I mean my right hon. Friend the Member for Carlisle (Sir J. Graham), my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) and others—that he could carry on the Government with great advantage to the country. Unfortunately, in a few days a difference of views with respect to the appointment of a Committee led to changes in the Cabinet, and those gentlemen resigned their offices. My noble Friend again did me the honour of asking for my assistance in office. Sir, I believe that my noble Friend, from his abilities, from his thorough acquaintance with all the relations of this country with foreign Powers, from the high spirit with which he has maintained the honour of his country. I believe, I say, that my noble Friend was the fittest person that Her Majesty could have selected to form and carry on a Government. I thought it certainly possible, as he had asked my assistance, that my experience in Parliament and the position which I had some time held might be of use to my noble Friend and might be of some assistance in enabling him to accomplish a task which I think did him the greatest credit to have undertaken. I therefore complied with the wish of my noble Friend, and accepted one of the offices which was then vacant. When I returned from Vienna I told my noble Friend that I was ready to relinquish office; but my noble Friend stated that he did not think that that would be advantageous to the country. A few days ago I again stated the same thing, being only anxious to enable him to carry on the affairs of the country with advantage. My noble Friend again declined to accept my proposed resignation. But I found that the impression, whether founded on the errors which I have committed—and no doubt those errors are many—or whether founded, as unquestionably they were to a great extent, upon misapprehension and misrepresentations of my conduct—be that as it may, I found the impression very wide and very general that my presence in the Cabinet was not consonant with the carrying on of public affairs with that advantage which it was my intention to afford to my noble Friend. When I was fully convinced of that, I told my noble Friend that there could be no hesitation about it, that I could not listen to any arguments which he might wish to advance to me, but that my resignation must be decided, and that I begged him to place it before Her Majesty, with his recommendation that it should be accepted. That conversation took place on Thursday night, and, in consequence, my noble Friend, I must say with the handsomest expression towards me, concurred with the view which I had taken.

Now, Sir, let me say that, having taken that course, I do not feel that I am at all discontented with the position in which I stand. I see no reason to be so. In the first place, I have acted always for what I believe to be the benefit of the country. I have thought over these questions again and again with a view to the public interest, and I have refrained from advising that which was disapproved, or rather, I should say, that which did not obtain the concurrence of those who generally held the same views as myself, and who were acting with me in the same Administration. I have felt that in the position which I have occupied at various times I have found many true and attached friends, and I must say that, towards them, beginning with the members of the Cabinet which I have left, I have every reason to thank those friends for their confidence and friendship. But, Sir, others there certainly are of a different class :—

> ——————— " Those you make friends
> And give your hearts to, when they once perceive
> The least rub in your fortunes, fall away
> Like water from ye, never found again
> But when they mean to sink ye."

Some there are of that class—I trust but few—with respect to whom I can only say that I regard them with contempt. With regard to public affairs, it has been my fortune, far beyond my deserts, to carry on, or assist in carrying measures which have promoted civil and religious liberty, which have tended to the promotion of the moral and religious welfare of this empire. I say, Sir, that I have had that good fortune, far beyond my deserts, and that is a satisfaction of which I cannot be deprived. That in the course which I have pursued, and in the positions which I have at various times filled, I should have been slandered and calumniated is a circumstance at which I ought to feel neither surprise nor dissatisfaction. There have been men whom I have known, and among them I cannot but recollect my dearly loved Friend the late Lord Althorp, whose only ambition it was to steer clear of office, and who when he held the highest offices in the State—purely for the good of his country —only aspired to descend from them, and yet I have known him calumniated as seeking place. I have seen but lately a gallant and a skilful soldier calumniated. I mean the great and humane Lord Raglan, who was slandered and persecuted even to the very verge of the grave. I say, therefore, that I can feel no dissatisfaction and no surprise at being myself thus calumniated, but if I had to balance my political account with my calumniators I could say to them that I have been able to promote by measures which I have seen adopted the welfare and advantage, the liberty and prosperity, of my country, and in doing so I have met with many warmly attached and excellent friends—men of a nature as noble as that of any men who have ever taken part in public life—and I have this satisfaction that, whatever errors I may have committed, whatever mistakes I may have made, I have always endeavoured to satisfy those friends and my own conscience, and therefore I have no reason to be dissatisfied with the result at which I have arrived, even if that result should be for ever to exclude me from any voice in the management of public affairs. Whatever, therefore, may be the result of the Motion of the hon. Baronet opposite, I have no desire that it should be postponed, and I am most willing that he should have the fullest opportunity of making any charges against me which he may think necessary in support of the views which he entertains, and for that purpose I now move, Sir, the postponement of the Order of the Day for the House to go into Committee on the Downing Street Public Offices Extension Bill. To these observations, Sir, I can only add that I am satisfied to abide by the decision of the House.

Sir BULWER LYTTON: Sir, if I understand correctly the allusions of the noble Lord towards the end of his speech, it is not before the phalanx of a hostile party that he retires from office. That is true. It is before the sense of the country, evinced in the desertion of his own followers. But do those followers deserve the lofty taunt of the noble Lord? No, Sir; it is not, as he implies, that they forsook him because his fortunes waned or wavered, but because he deviated into a path which seemed to leave behind it the honour of his country. The noble Lord has a second time in one campaign left the field upon the eve of contest, and in doing so he has entered at such length into a vindication of his previous conduct, that I trust the House will not consider it ungenerous or vindictive in me, if I also vindicate some of those reasons which have induced me, and those who support me in this Motion, to think that the conduct of the noble Lord was such as to shake the confidence of the country in those who administer its affairs. Under the altered circumstances of the case, however, I shall make my statement as temperately as may be consistent with the requisite proof that it was not upon light grounds that we brought forward a charge against a man so eminent, and against a Government so justly entitled to the indulgence of compassion. What, Sir, on Thursday last, was the position of the noble Lord and of the Government who then so boldly accepted our challenge, and who have since selected as a victim for sacrifice the very champion whom they then armed at all points for encounter? The position of the noble Lord on Thursday last was this, and he must pardon me if I state it frankly, because in the whole course of his speech, he does not seem to have understood how that position is viewed by his countrymen. Here was a great and distinguished statesman, who had held the office of Chief Minister of the Crown, who was sent to Vienna to negotiate terms of peace, or to report to us honestly the necessity for continued war. Under what circumstances was he selected? He had just before broken up a Government by his own solitary desertion—a desertion so sudden, and accompanied by a denunciation of two of his colleagues so startling, that it was without parallel in the records of this House. But it was not without an excuse. What was the excuse? Why, that upon a question involving the fate of armies he could not, as an honest man, conceal his sentiments, and rather than do so he left his associates whom he could not defend. Well, that is a very noble excuse; and in saying so, I do not desire to imply a sarcasm.

Lord JOHN RUSSELL: I beg the hon. Baronet's pardon. What I said was, that I could not oppose the Motion for inquiry, not that I could not defend their conduct. There was no question about defence.

Sir BULWER LYTTON: I have not the least objection to the change of terms, and as I now understand the noble Lord he left his former office, in the Earl of Aberdeen's Administration, because he could not oppose the Motion for the appointment of the Sebastopol Committee; but does he forget all the observations which he made in explanation of the course he then took? Does he forget the charges, or at least the strong insinuations, which he made against the Duke of Newcastle and the Earl of Aberdeen? Surely, if the noble Lord's explanation at that period was rightly conceived, it informed us that he was compelled to retire, and to break up the Government of which he was so eminent a Member, because of his distrust of the warlike capacities of his colleagues. He says he could not resist inquiry. Inquiry into what? National disasters; ascribed to what? To the want of competent vigour either in the chief Minister or the Minister of War. This was his excuse for not suppressing his sentiments. I say, again, a noble excuse, but an excuse that required the uniformity of an inflexible political creed. Well, then, this statesman is sent to Vienna; he apparently fails in his object; he returns; a suspicion gets abroad that the noble Lord is inclined to favour the proposals of the Austrian Government. That suspicion is mentioned in this House on the 24th of May, and the noble Lord rises to make a speech to dispel that suspicion, to vindicate the breaking-off of negotiations, and the continuance of the war; and although the noble Lord does not refer to the Austrian proposals at all, he does in that speech, which I do not think he has successfully defended to-night, speak with marked disdain of the propositions which embodied that main principle of naval counterpoise which, we have since learned, the Austrian propositions contained. He says, "After I had left Vienna another proposal was made, which my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) seems to think offered a security—namely, to leave the treaty of 1841 as it now is; but when Turkey is menaced, to enable her to call the fleets of her allies to her assistance." "I own," said the noble Lord, "I can see very little security in that proposal." The noble Lord then proceeded triumphantly to argue in favour of the absolute necessity of limiting the power of Russia in the Black Sea. He denounced the idea of guarding against that force by any counterpoise in the ships which the Western Powers might station in those waters; he pointed out the costly and preposterous folly of our being there, to use his own words, "perpetually defending Turkey" (all arguments that apply equally against the Austrian proposals then locked within his breast); and, finally, he wound up with a spirited imitation of that famous philippic in which Demosthenes inflamed his country against Macedon, by dilating on the corruption which penetrated every council hall and the ambition which threatened every civilised State. The general impression then was, that that speech of the noble Lord was somewhat extravagant in its zeal. But we, who advocated the vigorous prosecution of the war, pardoned that extravagance for the sake of its high spirit; we said, "Here, at all events, is one man who is thoroughly in earnest for the prosecution of the war." Suddenly there appeared in the public prints the circular of the Austrian minister, in which Count Buol states that this very statesman had not only inclined to a peace upon the terms proposed, and which he had appeared to us indignantly to scout, but that he had actually promised to lay before his Government definite proposals for peace so framed, and to back those terms in the Cabinet with all his power. The thing seemed incredible; but the question on Friday week was put to the noble Lord, and he then rises, confirms the statement, and informs the House that he had brought back propositions of peace which he did conscientiously recommend as likely to end the war "with honour to the allied Powers, and on terms calculated to afford security for the future," and that, thus thinking peace both possible and honourable, he did, nevertheless, when the question was formally brought before this House, while the peace in question was being actually discussed by the Cabinet, abuse the station he took from the favour of his Sovereign, and the confidence the people placed in his honesty and truth, and join with his colleagues to urge us to sacrifice the best blood of England in a war that he deemed no longer necessary, and to disdain the peace that he himself recommended. Now, Sir, what made the political conduct of the noble Lord still more disingenuous—I request his pardon for the word—is, that subsequently to the 24th of May, namely, on the 6th of June, when the expediency of peace through the intervention of Austria was again discussed, the right hon. Baronet the Member for Carlisle (Sir J. Graham) alluded plainly to the Report that the terms of peace suggested by Austria had been favoured by the French envoy, that the Emperor of the French actually proposed them to the English Government, and that it was the English Government that prevented the acceptance of those terms.

The noble Lord replied to that speech, and evading all distinct reference to the Austrian proposal, he left the House, the country, and the great Powers of Europe, under the impression that our illustrious ally would have sanctioned terms of peace which were utterly disdained by the lofty spirit of the noble Viscount and the united chivalry of his Cabinet. Now, let the House mark the inconsistency and want of faith in the noble Lord. On Friday week what was the noble Lord's excuse for his preference of peace? Why, that Russia was so powerful! And what was the excuse of the noble Lord on the 24th of May for his preference of war? Why, that Russia was so powerful! So that the excuse of the noble Lord for peace and his excuse for war was literally the same. And what was the apology of the noble Lord on Friday week for having suppressed his real sentiments, and stilled his conscientious convictions? Why, forsooth, if he told the truth he might have damaged the Government. But what was the noble Lord's apology for destroying the Government some months ago? Why, that as an honest man he could not suppress his sentiments or still his conscience. Does he think that this mockery of our common sense can be endured—does he think that this English Parliament would accept, and that this Christian people would endorse, a bill drawn upon human life under fraudulent pretences? It is only those who hold that the war is necessary, and that no honourable peace could be obtained upon the bases proposed, who have a right to call upon the country to make every sacrifice of its blood and treasure. But can any excuse of Cabinet compromises justify the statesman who was sent forth to negotiate a peace, and who feeds the flames of war with the very olive branch which he brought back from his mission? Oh, is it you—I declare, that I speak more in sorrow than in anger—is it you, whose brief and touching allusion to your past services deserved louder cheers than it received—is it you, whose labours and whose genius have so honoured your name that we feel every stain upon it as a national calamity—is it you who have taken from the people of England power and dignity for twenty years—is it you who could call upon your countrymen to send their children to a slaughter which you deemed unnecessary, and advise your Sovereign to jeopardise Her sceptre rather than endanger that feeble and ricketty thing you call a Government, and of which you told us last Friday week we ought to be the more tender because it had lost the favour of the people? Sir, the noble Lord said that the Executive was weakened by popular distrust; and I tell the Government that the weakness and the distrust both arise from that belief in your insincerity and vacillating purpose, of which on Thursday last the most signal proof was the appearance of the noble Lord upon that bench (the Ministerial). The noble Lord complained that our Councils were unstable. How could they be other than unstable when the noble Lord represented in the Cabinet the very element of instability? The noble Lord rebuked the people for their distrust of public men, while, in the same breath, he told them on Friday week that insincerity on a question affecting life and death was a duty he owed to the public service. The noble Lord then said, "See the circumstances of the time." The circumstances of the time require either peace in earnest or war in earnest. And I say you cannot have peace in earnest if your negotiator accepts terms upon one day which he shrinks from the responsibility of adhering to them on the next. With what face could the Government have appealed to the ardour of the people so long as the noble Lord remained in office to paralyse, by his acknowledged sentiments, the war which he sanctioned by his official vote? But the noble Lord said, "I am misrepresented; it is not because I thought this peace, safe, honourable or expedient on the 1st of May, when I brought those proposals back from Vienna—it is not because I still think that at that time peace might be safe, honourable, or expedient, that I am bound to think so now." That is the argument of the noble Lord; "and then," said the noble Lord, on Friday week, in a tone so languid that it might have disheartened Achilles, that "the only chance of peace now is in a vigorous prosecution of the war." But does not the noble Lord see that though that last revised and corrected edition of his opinions disqualifies him from becoming a Member of a Peace Administration, yet that it does not in the slightest degree amend his position as a Minister of the Government pledged to the carrying on of the war? For, if the noble Lord tells us that the object of the war could have been attained in May, it is in vain that he appeals to the military ardour of the people in July. What progress would a recruiting sergeant have made through the country with the cheering cry, "Fight, my boys, for your Queen and country. Think of Alma and Balaklava. Never mind a cannon ball nor a wooden leg, if you obtain this glorious result—that if Russia shall hereafter be at liberty to send eight ships of war to the Black Sea, Old England shall have the privilege of sending four." Now, I say, that when a Minister so recently as May had approved of the principle of the Austrian peace propositions, he is not a fit Minister to carry on the war in July. What are the reasons which, in the noble Lord's mind, rendered a certain proposition for peace honourable and expedient in May, which are not equally good in favour of such a peace in July? "We have gained some victories," he says, "our army is in a better state." Good arguments these if we were at war for dominion, none if we are at war for definite objects of justice. I deprecate this sliding scale of homicide, which is to go up and down with every fluctuation in the market of blood. But, as I understood the noble Lord, he said that in the position in which England and France was, he did not think he would be acting prudently in resigning. With an eye solely to that position, I think the reverse. For, as to France, did he not place our councils at variance with the French? He brings back a peace from Austria, proposes it and retains office; the French negotiator brings back the same peace, proposes it and is dismissed. This is not all—the French Emperor has declared Austria imperatively bound by her engagement to share in our hostilities; but the noble Lord some days ago, in the very teeth of Lord Clarendon, said he considered that Austria might be excused from her fulfilment of that engagement. So that, as long as the noble Lord remained in the Cabinet, you possessed a Minister in whom Russia could find her excuse, Austria her justification, France a dissentient from her policy, and England the condemnation of her war.

I understood the noble Viscount on Thursday last, to say, that the Government were prepared to stand or fall together. And, indeed, the old Parliamentary principle that one Minister of the Cabinet does not stand alone — that all are equally worthy of praise or censure—applies with peculiar force to the present case. For the House will remember, that when we were discussing the conduct of the noble Lord in these negotiations, and while we were yet in the dark as to the Austrian proposals, the noble Viscount, as Chief Minister, emphatically declared his cordial approval and admiration of his envoy and colleague. And yet the sole practical result of that mission was the sketch or idea of peace which the Cabinet was at that moment debating! While, if any blame was subsequently to be attached to the noble Lord, including his speech on Friday week, the chief Minister of the Crown shared the responsibility, since he saw in that speech no cause to invite the resignation of his colleague. Nay, on Friday week the noble Viscount defended what some other Member has harshly called the duplicity displayed in that speech by confounding it with the ordinary concessions upon ordinary questions which one Minister makes to his colleagues, and treated a vital difference of opinion upon peace and war with as much levity as if it were a disagreement in the details of a Beer Bill. Now, Sir, I will take the liberty of telling the noble Viscount, that there are two parties in this House who have some reason to suspect, that among the many accomplishments and rare talents of the noble Viscount, the rude frankness of sincerity does not bear a prominent place as respects the part he has taken in these transactions. I mean, first, the party that advocates the Austrian peace; and, secondly, the party that advocates the vigorous prosecution of the war. The House will remember, that immediately upon the formation of this Cabinet the noble Viscount gave a pledge, in answer to a question from the right hon. Baronet the Member for Carlisle, that he would adhere to the foreign policy of Lord Aberdeen with regard to the war. Well, Sir, those who consider that that policy wanted the requisite vigour have a right to complain that he had given a pledge so opposed to the expectations of those who assisted in raising him to his present position. On the other hand, those distinguished adherents of Lord Aberdeen's Government—who best know what Lord Aberdeen's policy was—have some right to complain that the noble Viscount had given that pledge rather too lightly, when they see him reject terms which his own envoy, who left the Aberdeen Government from the want of vigour in the administration of the War Department, had not only assented to, but promised to support in the Cabinet with all his power. Now, Sir, I have looked carefully through this correspondence before us, and I confess my astonishment is increased, that the noble Lord the Member for London did not resign his office as Minister of the Crown, within a week after he returned with his propositions from Vienna. This correspondence also justifies my continued distrust in the Government in consenting to act with the noble Lord in the councils of the Crown. For these papers show that during the latter period of the negotiations at Vienna, the noble Lord was at direct variance with the noble Earl our Minister for Foreign Affairs; and that the noble Lord had agreed to a peace founded upon a basis which the noble Earl the Minister for Foreign Affairs had already declared to be inadmissible, impracticable, and dishonourable. To the very first suggestion of the noble Lord—which was called an Austrian proposal, but which, in fact, emanated from our English envoy—Lord Clarendon writes word, on the 18th April, what appears in that suspicious form, called an extract:—

> "We think that the limitation of the Russian fleet should be absolute, and that it would be made too conditional by the plan which you propose. We must avoid, as much as possible, the system of counterpoise, the objections to which you have explained fully to the Austrian Government."

Well, then, what does the noble Lord do? Why, the noble Lord matures that plan that was considered so objectionable, and bases it upon the principle of a counterpoise. He does not return from Vienna until he has promised the Austrian Minister to introduce this proposal to the Cabinet when he arrives in London. The noble Viscount who succeeded Lord Aberdeen in the Government, on the express ground that all dissension upon the question of peace or war should cease, deems that dissension in the Cabinet of no consequence, so long as it is concealed; and when it is found out, he declares that the concealment of the opinion of the noble Lord, to use his own words, "is highly becoming the elevated position of his noble Friend."

I am quite willing to accord to the Government all the praise which they are entitled to claim. I am willing to say, so far as Lord Clarendon is concerned, that there is a frank, hearty, and English tone, in all his despatches. And I would willingly extend to the noble Viscount the praise I so cordially bestow on Lord Clarendon? But then, though Lord Clarendon in these despatches represents himself —and of course the majority of the Cabinet—the noble Viscount does more than represent a majority. He is First Minister of the Crown, and he alone is responsible for the unanimity of his Cabinet. He alone is responsible if there be a minority at variance with the majority. And therefore, if the noble Lord does cordially approve the sentiments of Lord Clarendon, how could he have expressed an approbation, equally cordial, of the negotiator and colleague, whose opinions so flatly contradict those which Lord Clarendon expresses. One may suppose that the noble Viscount could not have been so indifferent to the success of the negotiations as never himself to have written to the negotiator. Yet, not one letter from the noble Viscount appears in this correspondence. [*Ironical cheers from Ministers,*] Yes; I understand that cheer. You say the Secretary for Foreign Affairs was the right person to communicate officially. True; but the noble Viscount, in fairness to the country, and in justice to himself, might have extended this publication beyond the formality of strict routine, and inserted some of the admirable letters he no doubt addressed to the perplexed conscience of his noble Friend. The noble Lord's earlier speeches had not been so free from levity, from ambiguity, but what some persons were ill-natured enough to doubt the consistent earnestness of his sincerity. ["No, no!"] He might disdain justification for himself, but to justify himself would have been to strengthen the Government and assure the unquiet mind of the country. But do Gentlemen who cry "No, no," doubt if there was any cause to suspect that the noble Viscount ever hesitated as to the Austrian terms? Very well, let us see. Observe—The Earl of Westmorland communicates to the English Government the last Austrian proposal, which was received in London on the 19th of May. Now, Lord Clarendon almost invariably answers communications on the following day they are received by him. It, however, appears that the noble Earl does not answer these communications until ten days afterwards, namely, the 29th of May. Now, I should like to know what occurred in the interval. Why, from the hesitating tone of the English Government, and more especially of the noble Viscount, my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) was induced to bring forward a Motion upon the ambiguity of their language and the uncertainty of their conduct. During those ten days Ministers were deliberating upon those proposals in their Cabinet. We, too, were discussing the Resolutions of my right hon. Friend in Parliament. And Lord Clarendon was evidently instructed not to reply to Count Buol's propositions until you (the Government) had ascertained the sense of the House of Commons. The judgment of the House being taken, it left the Government no option but to continue the war. With these facts before us I think it is a fair inference that the noble Lord (Lord J. Russell) does not stand alone in his opinions in the Government, and that Lord Clarendon is not the spokesman for the entire Cabinet. It was not until the temper of the House of Commons compelled you to renounce the ambiguity of your language and uncertainty of your conduct that these Austrian proposals were rejected.

Sir, the noble Lord the Member for the City of London has misunderstood something I said upon a former occasion in regard to the Austrian alliance. On that occasion I made a distinction between the alliance of Austria and the friendship of Austria. I said that I was desirous of the friendship of Austria, but that I did not care for her alliance. At this moment I would really rather be without it. In the first instance, I believe that such an alliance would necessarily produce a schism between England and France. Even now, Austria, as a mediator, makes a proposal of peace, which France rejects and which induces you to hesitate — the mere entertaining of which almost broke up the Government. Now, suppose the same thing to occur again when Austria becomes our ally, with power to raise her voice in the general Councils of the united nations. Suppose, then, that France accepts this Austrian proposal. Suppose that the English people will not allow the British Government to accept it. You would, under such circumstances, fulfil the prediction of the hon. Member for the West Riding of Yorkshire (Mr. Cobden). You would stand alone in the struggle, with exhausted finances, and the remnant of disheartened armies. Surely some gain would come of this war if we could convince the world that England and France united in arms are quite sufficient to check any aggression on the dominion of her neighbours on the part of Russia. But if you choose to lay down the doctrine that France and England are not sufficient without the aid of Austria; if you must, as the noble Lord says, bring all the other European combinations to back the two Western Powers — your successes, if you succeed to the utmost, will not diminish the moral power of Russia; her very concessions will become glorious to her, and she can say to Turkey, say to the East, say to the existing world and to future ages, "France and England united have shown themselves no match for me, and it required all the combined armaments of reluctant Europe to restrain my ambition within the boundaries of my lawful realm. Such a combination cannot readily occur again; the combination is momentary, my ambition is eternal." I would simply repeat what I said on a former occasion. I value the friendship of Austria. I would even be indulgent to her weakness. I would not entrap her into reluctant engagements. I would not take a single step to bring about an alliance with her, unless she felt that she could embark in it with a hearty sense of her own interests. If, however, you desire to have Austria neither your ally nor your friend, surely you could not take a better course to effect that object than to allow a Member of the Cabinet to promise her his support of her definite proposal for peace, and afterwards to join with his colleagues that the proposal should be rejected.

One thing, however, is clear; we cannot afford the ridicule of Europe consequent upon these constant Cabinet scandals—we cannot allow the great name of England to be thus frittered away. Let us have peace even upon Austrian terms, and let us hope that the energies of our commerce may atone for the failure of our arms; or let the Ministers and the people join with one heart and one soul to carry on this war to a speedy and triumphant end, by the earnestness of their purpose and the worthiness of their preparations. Are you so united? Is Lord Clarendon the spokesman of the entire Cabinet? I should like to hear the expression of opinion on the part of other Members of the Cabinet besides the noble Viscount. There are Gentlemen in the Government who have not as yet expressed their opinion upon the nature of the war or the propositions for peace. What are the opinions of the Chancellor of the Exchequer? What are the opinions of the First Lord of the Admiralty? Are all the Members of the Government united upon this subject? Again, I ask, is Lord Clarendon the spokesman of a united Cabinet? ["Hear, hear!"] I am glad if it be so; but you told us the same thing in the month of May last, when we now know that the noble Lord the Member for London was dividing your Councils, and it is my impression, and that of the country, that the noble Lord did not stand alone in those opinions. I am, however, willing to give you all the benefit of the doubt. The noble Lord's retirement from office has so far effected my object, that if it has not cancelled what I presume to call his errors, it has at least prevented for a time any injury which those errors would inflict on the public service. There is something, however, which I think ought to be more lasting than any peace, and more glorious than any war—I mean that high standard of public integrity, without which nations may rot, though they have no enemies, and with which all enemies may be defied. On Friday week that standard was debased to the ignoble reasons by which expediency seeks to justify dissimulation. You, the representatives of the people—I desire not to make it the triumph of a party—be it the triumph of the House of Commons—you have once more raised that standard to its old English level; and in now asking your leave to withdraw my Motion, I congratulate you on having so successfully asserted that vital element of all free Governments which is lost the moment you divorce from the national Councils the recognition of that public virtue which demands that our actions shall not, with a cynical audacity, give the lie to our convictions. All the objects we have had in view have been thus effected, except the mere party object of replacing one Government by another. But what Englishman, at such a crisis, would suffer that object to be paramount in his thoughts? I am willing that the Government should not be removed, but I warn them that they will remain under the vigilant surveillance of public opinion; and it is yet to be seen whether the sacrifice of a man, who had been trusted by his country and revered even by his opponents, until in an evil hour, when on two previous occasions he might have retired from office with honour, you induced him to consult your temporary interests rather than the dignity of his own imperishable name—it remains to be seen whether that sacrifice has really removed the only obstacle to the earnestness of your purposes and the unity of your Councils.

MR. BOUVERIE: Sir, I am not going to follow the hon. Baronet into the subject of his Motion, which appears to have evaporated into thin air. I wish, however, to refer to a matter personal to myself. My name has been connected with recent transactions in a manner which has caused me the deepest pain, and I trust the House will permit me to justify myself against what—considering my relation towards my noble Friend the Member for the City of London—I cannot but conceive to be an imputation upon my personal character. It has been stated that, on the part of a number of my colleagues not in the Cabinet, I represented to the noble Viscount (Lord Palmerston) that we were prepared to resign our offices rather than oppose the motion of the hon. Baronet (Sir B. Lytton). So far as I am concerned, I beg to state most fully and decidedly that that statement is not only not an accurate representation of facts, but that it is the very reverse of the truth. In spite of the criticisms in which the hon. Baronet has indulged upon the character of my noble Friend the Member for the City of London, (Lord J. Russell) I still do not hesitate to avow my strong political attachment to my noble Friend. In spite of the speech of the hon. Baronet, I still believe in the integrity, the honour, and the sagacity of my noble Friend; and if in matters of recent occurrence I may be disposed to question his judgment, still I hope the House will permit me to say that the glory of all that he has done in his long past career dazzles my vision, and prevents me from seeing those spots which, in the opinion of some, may blemish his fair fame. Sir, apart from a long political attachment to my noble Friend, I am not ashamed to confess that I entertain for him a strong personal attachment. I should be unworthy of the kindness I have ever received from the noble Lord, and of the friendship with which he has honoured me since I entered into political life, if at this first hour of his need I were to be among those of whom we are told—

> "In prosperous days they swarm,
> But in adverse, withdraw their heads, not to be found
> When sought."

I am not one of those, and I trust I never shall be. My part in the transaction was simply this,—I was aware that there was a strong impression among many of my colleagues that the sense of the country and the sense of the House were so strongly opposed to my noble Friend that it was idle to contend against the Motion of the hon. Baronet. I was aware that a formal representation to that effect was likely to be addressed, either to the noble Lord at the head of the Government, or to my noble Friend himself. I refused to be a party to any such representation, on the distinct ground of my personal attachment to my noble Friend, but at the same time I stated that, as a friend of the noble Lord, I was ready—however painful the duty might be—to convey to him what I own I then admitted, and what I now admit, was the general impression, both among my colleagues, and among the Members of this House with whom I conversed. I thought that, in pursuing that course, I acted as a true friend of the noble Lord. I offered to do what was most painful to me, in the discharge of what I thought my duty towards the noble Lord as a friend. I endeavoured to discharge that duty to the best of my ability, and I am satisfied that my noble Friend fully appreciates the motives by which I was actuated.

VISCOUNT PALMERSTON: Sir, I think that the withdrawal of his Resolution by the hon. Baronet the Member for Hertfordshire, does as much credit to his discretion as his eloquence does generally to his talent; but at the same time I must confess that I have never heard a speech more full of inconsistencies and of contradictions than that with which he has just favoured the House. In the first place, the hon. Baronet, while the speech of my noble Friend (Lord J. Russell) was still ringing in his ears—while he could not by any possibilty have forgotten that my noble Friend stated that in the lapse of a few days after his return from Vienna circumstances came to his knowledge which convinced him that the plan he had thought practicable at Vienna was no longer practicable; that in consequence of his thus finding it to be impracticable he abandoned it; and that, having so relinquished it, he was then fully persuaded of the necessity for, and heartily prepared to concur in, the vigorous prosecution of the war. While, therefore, I say, these statements of my noble Friend were still fresh in the memory of the hon. Baronet, he nevertheless goes on arguing as though quite the contrary was the fact, and as though my noble Friend had, from that day to this, continued of opinion that that arrangement was still practicable and one proper to be adopted. The hon. Baronet, Sir, went on to make that assumption—that groundless, that disproved assumption—that assumption which he must have known, if his memory was but of ten minutes' duration, to be totally fallacious —he went on, I say, to make that assumption, the foundation of a charge against my noble Friend, and he also repeats it against the Government with which he is connected. Why, Sir, I am astonished that the hon. Gentleman should have condescended to resort to such a Parliamentary manœuvre—to such an unworthy proceeding. And then, forsooth! the hon. Baronet is the man who is to stand up and question other Members of this House on the ground of their insincerity! Well, upon that point, and also upon another, I give the hon. Baronet his choice between deliberate insincerity and the grossest possible ignorance of public affairs. The hon. Baronet says that he approves and applauds the despatches of Lord Clarendon; and then he asks, "But what is that to the purpose?" According to the hon. Baronet, Lord Clarendon, the Secretary of State for Foreign Affairs, is, forsooth! only the organ of his own individual opinions. Does the hon. Baronet believe that assertion? Does he really think, when he makes it, that he is stating what is the truth? Why, Sir, if he does, he is more grossly ignorant—I will not say than any man in this House, but than any child who ever reads a newspaper.

SIR BULWER LYTTON: I rise, Sir, to explain. The noble Lord must excuse me for interrupting him, but he is really misrepresenting me. What I stated was, that I regarded Lord Clarendon as being the representative of his own opinions. I did not state that he was not the representative of the opinions of others; and I said that I considered the noble Lord, the chief Minister, responsible for the opinions of the entire Cabinet. That, I think, was a very fair statement.

VISCOUNT PALMERSTON: I must say, Sir, that the explanation of the hon. Baronet leaves the matter exactly as I have put it. It reminds me of the well known query, "Who shall interpret for the interpreter?" The hon. Baronet, I think, requires somebody to explain his explanation. He admits, however, what I have just stated, and, indeed, he cannot deny it, because it is so recent. He distinctly asserted that Lord Clarendon was the organ and exponent of his own individual opinions, and then, proceeding to draw a contrast, he said, "The noble Lord at the head of the Ministry speaks for the Government; Lord Clarendon speaks for himself." "And," continued the hon. Baronet, "I should like to know what the First Minister said, and to see what were the letters which he addressed to the noble Lord the late British Plenipotentiary." This remark was met with a derisive cheer from this side of the House, which was of, course, meant to imply "Why does not the hon. Baronet know that the official correspondence of a Government with its Minister Plenipotentiary is always conducted through the Secretary of State for Foreign Affairs, and not through the First Lord of the Treasury?" Sir, the hon. Baronet knows this as well as any man, and therefore I again offer him the alternative between deliberate insincerity and gross ignorance. I really wonder, Sir, that a man of the hon. Baronet's standing, and one who is given out as the person who is to hold a high office in the Government which is to come, should have placed himself between the horns of such a dilemma. And touching on the subject of a new Government, I am reminded that the hon. Baronet told us that these repeated changes in the Ministry expose us to the ridicule of Europe. Why, Sir, there might be a change of Government that would render us still more the ridicule of Europe, I mean if a man like the hon. Baronet were to be placed in a high situation in it. The hon. Member, however, wants to know whether Lord Clarendon spoke and wrote the opinions of the Government. I tell him that Lord Clarendon did speak and write the opinions of the united Cabinet. I say that I also have expressed the sentiments of the united Cabinet; and

I defy the hon. Baronet, or any one of those who sit by him, to quote any word of mine uttered either within this House or out of it, that does not tally with those despatches written by Lord Clarendon to which the hon. Baronet alludes. I confess I am surprised, therefore, that hon. Gentlemen, from party motives, which they are compelled afterwards to disavow, should stoop to these unworthy Parliamentary manœuvres, which they must feel will not accomplish their object, but will only serve to injure and lower those who resort to them in the estimation of the country. The hon. Baronet began his speech by taunting the Government with having sacrificed a victim for the purpose of avoiding a storm; and then at the conclusion of the very same address, he condemns us for not accepting the voluntary tender of resignation made by my noble Friend. Now, how does the hon. Baronet reconcile these palpable contradictions? Sir, I deny his first charge, and I accept the reproach meant to be conveyed by the second. We did not sacrifice my noble Friend. I did decline to receive his offer of resignation made upon the Monday; and even on the Thursday, when he told me, "I have made up my mind to resign my situation," I replied, that it was for him to judge—that the question had assumed a shape so peculiarly personal to himself that I could not pretend to give him my advice as to the course which he should pursue; but this I said to him, that, if upon reflection he thought it would be better for him to stay in, I should be prepared to face the Motion of the hon. Baronet opposite with the Government as it then stood, and that I should stand up and vindicate the conduct that he was ready to adopt. Therefore, I say, there was no sacrifice of a victim. My noble Friend thought the course he has taken the one most consistent with his own feelings; but, so far from deeming it a reproach that I did not accept his tender of resignation, I hold that it would have been unworthy in me to have acted in the manner which the hon. Baronet has been pleased to impute to me. The hon. Baronet says he has a wish—and I dare say it would be very agreeable to him if he could gratify it—to place every Member of the Government on the stool of examination. He would like to ask us—"What do you think of this matter, and what do you think of that? Tell us your views about the war in the Crimea? Do you consider that it would be well to go to the Sea of Azoff, or that it would be better to leave Eupatoria? Give us your opinion as to the state of Balaklava." No doubt it would be very entertaining to the hon. Baronet to ask individual Members of the Cabinet many questions of this or any other character which his ingenuity or his curiosity might suggest; but I beg to tell him, in the name and with the authority of my colleagues, that there is no division of opinion in the Cabinet—that we are, every one of us, animated by the same determination to carry on the war with all the vigour that the resources of this country will enable us to exhibit, until we shall have accomplished a peace at once safe and honourable, and one which shall secure to us those objects for which the conflict was undertaken. I say, then, that the hon. Baronet has misrepresented my noble Friend—I say, that he has contradicted himself over and over again in the same short speech; and yet it was not so very short after all. The only point on which I can compliment the hon. Baronet is for the discretion he has displayed in shrinking from the contest upon the Motion of which he had himself given notice, because, what was it that the hon. Baronet stated to us this very evening? He told us that his charge was indeed directed against my noble Friend, but that it equally included the whole Government. Well, then, here we are, ready to meet the hon. Baronet and his followers face to face; but he declines the encounter. And after the exhibition—the lamentable exhibition—which he has just made in this House, I think the country will not be very eager to expose itself to that European ridicule which, according to the hon. Baronet's own statement, would attend that change of Government which it was the avowed purpose of his Resolution to effect.

Mr. DISRAELI: Sir, I should hardly have thought it necessary to make any remarks upon the observations of the noble Lord; but, as there is a tribute of courtesy due to any individual who fills the eminent position, not only of First Minister of the Crown, but of leader of the House of Commons, perhaps I may be excused if I offer a few comments upon the remarkable speech to which we have just listened. Such a defence of an Administration (placed in a most critical position, under circumstances of great gravity, and with a responsibility resting upon them which probably no Administration for many years has yet encountered), I do not suppose any person ever listened to or ever remembered. It would have been, I think, Sir, only respectful to the eminent Member of the Cabinet who has just quitted the companionship of the noble Lord, if the noble Lord had treated the occasion with some little more regard, both to the position and character of his noble Friend, and to the subject which is now brought under our consideration. The noble Viscount, with some common-place bluster says, "Notice has been given of a vote of want of confidence in our administration. You remember the high spirit which I exhibited a few nights ago, when I announced to the House and to the country I was prepared to meet you. I have fulfilled my pledge. Here I am ready to meet your vote of censure, and I find nothing but the 'exhibition' as he calls the admirable speech of my hon. Friend the Member for Hertfordshire." [*Derisive cheers from the Ministerial benches.*] I say admirable speech, because it expressed in language, which the noble Lord cannot command, the feelings of the country on the conduct of the noble Lord and his colleagues, and political views, which it would be well for the country if the noble Lord at any time would enforce and pursue. But can the House be satisfied with this—I will not call it answer—this reckless rhodomontade of the noble Lord.

Let me remind the House of the gravity of the subject which is now under their consideration. Let me remind the House of the peculiar circumstances that have attended all the negotiations which have either preceded this war or have occurred in its progress. What happened at the beginning of the last Session of Parliament? When we were discussing in this House papers which were laid upon the Table, who was it that expressed, on the part of the Government, their determination to uphold the interests of this country and their want of confidence in the conduct of Russia? Is it not a fact that it was the noble Lord, recently the Secretary of State for the Colonies, who rose in his place, and echoing the feelings of the House and of the country, denounced the Emperor and Minister of Russia as men guilty of false and fraudulent conduct amid the cheers of the House? And what occurred? Why, there came out an article in a foreign newspaper referring to transactions which had been concealed from this House; and in a few days the House was favoured with the most singular revelations which probably were ever made with regard to the diplomatic management of our affairs. What has happened this year? The same Minister comes down to the table and makes a speech exciting the passions of the country in order to carry on this war with effect. And what is the consequence? Again, a foreign document appears, the circular of the Austrian Minister, referring to circumstances which were again concealed from the House of Commons, and were most antagonistic to an effective prosecution of the war. Is not this a remarkable coincidence? Last year's speech of the noble Lord brings out a secret and confidential correspondence which was carried on by many Members of the present Cabinet, and in which they addressed the Emperor of Russia in a tone very different from that which they used towards him in this House. This year's speech of the noble Lord brings forward a circular of the Austrian Minister, and we find that, at the very time the House was addressed by these Ministers in a tone which would induce the belief they were ready to embark in an internecine struggle — these very Ministers were in secret and confidential communication with Austria, in order to recommend and carry through Parliament an arrangement totally opposed to the policy which in this House they recommended. Are not these grave circumstances? Is there not some lingering self-respect in the House of Commons, which will not allow such circumstances to pass unnoticed, uncriticised, and unchallenged?

Now what further happens? It was obviously impossible to pass unnoticed, such a revelation as was made by the circular of the Austrian Minister. Notice was given of a Motion in this House, expressing what I believe would be the feeling of a majority of the House of Commons. It was aimed in its construction principally against one member of the Cabinet, but it did not seek to limit in any way the opinion of the House to an individual. The noble Lord the Member for London (Lord J. Russell) is himself mainly responsible for the specific language of that Resolution, because six weeks ago, when having good information on the subject, I wanted the House to express an opinion that the ambiguous language and uncertain conduct of Ministers rendered it necessary they should interpose; the noble

Lord objected to that Resolution on the ground that it was too vague and general in its terms. It was, therefore, necessary on the present occasion to make it more specific, and to indicate the particular conduct and the particular Member of the Administration whose behaviour was the basis of the Resolution which we were about to recommend. But I for one repeat now, what I have always said, that I never will make an attack upon an individual Member of a Government. I hold the whole Cabinet responsible for the conduct of the noble Lord, and, though my hon. Friend (Sir B. Lytton) asks leave to withdraw the Resolution of which he has given notice, it is quite clear that if a Resolution ever were necessary to express want of confidence in a Government, it must be after the important step which the noble Lord has taken, and to which I shall in a moment advert. It is evident that the Resolution now must be drawn up in a different language; but no one, I hope, who sits on these benches, ever intended, by voting for the Motion of the hon. Member for Hertfordshire, to sanction an attack upon an individual Member of the Cabinet. On the contrary, I express my own opinion, not founded without some information on the subject, that there is no Member of the Cabinet who is not identified with the policy of the noble Lord. I express my opinion, that it is necessary for more than two or three Members of the present Government to rise in their places and favour us with their opinions upon those great questions of foreign affairs and peace and war which now occupy our attention. I have reason to believe that the views which the noble Lord (Lord J. Russell) brought from Vienna were favourably received, not merely by a majority, but by the whole of his colleagues, and that nothing but circumstances which they did not anticipate, and difficulties which suddenly arose, prevented the plan of the noble Lord being cordially and unanimously adopted. I do not make that statement without due authority. I make it with the same conviction that I spoke six weeks ago of the ambiguous language and uncertain conduct of the Government, the justness of which subsequent events have already vindicated. I make it with the conviction that, even before the expiration of this Session of Parliament evidence confirming that statement will be in the possession of the House. The First Minister endeavours to suppress all discussion. I told the noble Lord some weeks ago we were only in the antechamber of discussion. The noble Lord then tried to stop the progress of debate. What has since occurred? Every day and every hour has brought fresh information and fresh instances which require discussion; from that moment to the present we have been discussing these affairs, and shall be so long as the conduct of the Government is veiled in that thick cloud of ambiguity and doubt which now pervades the political atmosphere.

The House will, therefore, see that we have to consider a subject of vast importance. The sacrifice has been great which has prevented our coming to a vote to-night to decide the fate of the Cabinet. The noble Lord takes credit to himself, because, when his noble Friend offered his resignation, and he accepted it, although he accepted it he told his noble Friend he was ready to stand or fall by him. I admire friends and colleagues who are ready to stand or fall by one another; but then, after such bold and unequivocal declarations of respect and affection, one might wish to see the act follow the word. But upon this occasion it does not seem that the noble Lord either stood or fell by his Friend. The noble Lord is neither standing nor falling, but on the contrary, he has remained sitting on the Treasury bench. How is the knot to be unravelled? The noble Viscount presses the hand of the noble Lord; he vows eternal devotion to him; he says we are in the same boat—we shall share the same fate, therefore; and in a spirit of political justice and generous partisanship which would be admirable if it were sincere, says—"One member of a firm cannot be bankrupt alone according to the laws either of England or of honour, and we stand or fall together." But in the meantime there are means by which the First Minister, who is excessively dexterous and adroit, can extricate himself from the difficult position in which he finds himself pledged to stand or fall with the noble Lord the Member for the City of London. It requires the talent of a Vice President of the Board of Trade—a divinity in that form, and inspired by that spirit, to disentangle a knot of such difficulty and delicacy as the one which the noble Viscount has encountered. The process seems to have been successful. I listened to the Vice President of the Board of Trade with the feeling which became the occasion. I have not the honour of being a friend of the noble Lord the Member for London; but I appreciate, I hope, his high qualities, in common with the Vice President of the Board of Trade. I cannot, I confess, therefore, fully comprehend the position of the Vice President of the Board of Trade in this case, as not only the friend, but the devoted friend and political admirer of the noble Lord. I can only very distantly approximate to the nature of his feelings; but I must frankly admit—and the House recognises I am sure—the agony and emotion which he must have undergone before he arrived at the result which he felt to be inevitable. There have been many instances of friends and friendships. Friendship is the gift of the gods, and the most precious boon to man. It has long occupied the thought and consideration of essayists and philosophers, there have been more analyses of the elements of the different degrees of friendship than of any other quality granted to sustain and solace humanity. There, for instance, is the devoted friend who stands or falls by one, like the noble Lord the First Lord of the Treasury. But there is also another kind of friend, immortalised by an epithet which should not be mentioned to "ears polite." We all know that friend. It was, I believe, a brilliant ornament of this House who described that kind of friend, and I must say that, although as the devoted friend, the Prime Minister must after tonight be allowed to take the highest position; still, for a friend of the other description, a friend who is not a very bad-natured friend (the House will know exactly the friend I mean), I say, commend me to the right hon. Gentleman the Vice President of the Board of Trade.

Now, Sir, I have found it necessary to make these observations, in consequence of the violent assertions of the noble Lord at the head of Her Majesty's Government, that he was ready to do battle for his friend according to his engagement, and that we apparently had receded from the contest upon an occasion which he had fixed for it. But, I ask, why has not this great contest taken place? Here is a Minister who has long occupied the attention of his countrymen—who, for a quarter of a century, has exercised the greatest influence over public affairs which any man in this country for so long a period ever possessed — who, with the brief interval of Sir Robert Peel's Ministry, has been the nominal or the virtual Chief Minister of the Crown—who has taken a most eminent part in involving this country in the war in which we now find ourselves engaged—who was the Minister of our foreign relations before and at the moment—I may almost say, when we entered upon these discussions which led to the war—the individual who, a few months ago, after this country had been at war for a year, and when it found itself involved in danger and disaster, merely by a speech in this House, showed his great authority and broke up the Government of which he was a Member; an act whereby he incurred great public odium, although, no doubt, he regarded it a public duty; but to whom, a few weeks or days after, we found Her Majesty, in the exercise of Her prerogative, offered again the post of Chief Minister of this country, an offer which was declined only because it was impossible at that moment to form a Cabinet under his auspices; but even then, in that comparatively reduced position, he was nominated a Minister Plenipotentiary to bring about, if possible, a termination of hostilities for which he himself was mainly responsible, and even then, while negotiating peace abroad, was made one of the principal Members of the Cabinet at home. Why, every one must feel that when we have a discussion on the character, the conduct, and position of so eminent a personage, we are speaking on matters of a very grave nature, which may influence the fortunes of this country, and respecting which this country has a right to demand, and will possess, precise and accurate information, not only as to conduct but also as to motives. His motives and his conduct are alike questioned, and he had an opportunity of vindicating both to the House. His colleagues, acknowledging the gravity of the occasion, stake the existence of the Cabinet on the triumphant vindication of that conduct by the verdict of the House of Commons. It is hardly forty-eight hours since the First Minister himself, almost unable to repress the exultation he felt at the coming fight, was going to stand or fall by the question and the verdict which the House should come to upon the conduct of the noble Lord the Member for London; and then, suddenly, and before the House of Commons can speak—before the Motion can be brought forward—before any Member of the House, whatever his politics may be, can express his opinion on the conduct of the noble Lord, he is mysteriously withdrawn from office—this individual, so responsible for the present position of the country—so much looked up to by the House, even in the present distracted state of parties, that, after having broken up a Cabinet, he has been called upon by his Sovereign to form another Government, and even when failing in that task selected by the noble Lord opposite (Viscount Palmerston) to conduct the negotiations at a great Congress, and while conducting those negotiations deemed so indispensable from his name, his talents, his reputation, and his following, that he is made a Secretary of State *in commendam.*

For a person of this description, with such accumulated responsibility, having his conduct challenged by the House—and the First Minister of the Crown, his colleague, having pledged himself to a full discussion, and to stand or fall by the verdict of the House of Commons, for such a man to withdraw from the public service, evade all discussion, and then for the First Minister to get up and jocosely tell us it is "Much Ado About Nothing," is really more intolerable than trifling. It is not a manner in which questions of this kind should be met—it is not a tone which should be adopted—this patrician bullying of the Treasury bench. It may be assumed upon the discussion of a private Bill, or on some petty struggle of party which may be a triumph to-night and be forgotten to-morrow; but when we are discussing a question involving the policy of one of the greatest nations of the world —the policy of peace or war, which brings under consideration the conduct of camps and congresses—when we have before us the behaviour of a statesman whose mind and conduct have given colour and form to the political history of this country for a quarter of a century—it is not fitting that the noble Lord the First Minister of the Crown should rise and attempt to stop discussion by language addressed to my hon. Friend (Sir B. Lytton), which I will not use an unparliamentary epithet to describe, but certainly not language which I expected from one who is not only the leader of the House of Commons—which is an accident of life—but is also a gentleman. All that I heard, and I believe I heard most of what fell from the noble Lord, although I was absent for a second, because I certainly did expect that the noble Lord was about to enter upon an expression of opinion that would not be brief—all I say that I heard in the transient observations of the noble Lord, for it was a short speech for him, was some sort of abuse of the hon. Member for Hertfordshire for his constitutional ignorance or his intentional malignity in assuming for a moment that my Lord Clarendon, when he wrote the despatch, might be expressing his individual opinion, and not the opinions of the Cabinet. Now, I put it to any hon. Gentleman in the House—do they suppose that even a doorkeeper could make such a mistake, or do they think that a doorkeeper, or anybody, could be so stupid, if they did not make a mistake, as to take refuge in such malignity or such misrepresentation as that? What my hon. Friend said was this—individually he gave credit to Lord Clarendon for those despatches expressing the policy which he himself approved. Of course, in so doing, my hon. Friend did not mean to say that Lord Clarendon, expressing constitutionally and formally the language of the Cabinet, was writing despatches, without the knowlege of his colleagues, which formally and completely expressed the policy of the Cabinet; but what my hon. Friend wished the House to understand, and what I believe a large majority of the House inferred, was this—you may have a Secretary of State formally and constitutionally expressing the policy of the Cabinet which he himself entirely sympathises with, but there may be Members of that Cabinet who really do not completely coincide with the Secretary of State, and you must, says my hon. Friend, prove that such an inference cannot fairly be drawn, and divest us of our suspicions; but you cannot do so because, a few weeks ago, you told us you were all unanimous when those despatches were written, and now it is proved that at that very moment a most eminent Member of the Cabinet absolutely disagreed from you in your opinion. The First Minister now impresses upon the House that the noble Lord the Member for the City of London came back to this country suddenly and recommended a peculiar policy to the Cabinet, which this House disapproves, but that certain circumstances occurred in the course of a week, said the noble Lord, which rendered it totally impossible that they could be entertained. Of course everybody knows the circumstances to which the noble Lord referred, and I believe he subsequently mentioned them. The fact was, that France would not listen to the arrangement, and the French Minister resigned; therefore, says the noble

Lord, it was most disingenuous—it was malignity—[Viscount PALMERSTON: I said it was insincerity.] The noble Lord now says his charge was one of insincerity. It was a charge, however, conveyed in language not very classical or Parliamentary—it was a charge of insincerity in language of great exaggeration. The noble Lord entirely misunderstood the whole case. The very observations which he made on the subject prove that he is at this moment perfectly ignorant, or feigns to be ignorant, of what is the point which occupies the attention of the House and engages the feelings of the people of this country. I take the statement of the noble Lord and, on his own showing, on his own admissions, upon his confessions and his revelations, which were more indiscreet and more dangerous even than those of the colleague whom he has sacrificed, and what, with all his experience, has he said to-night? The noble Lord says, my late colleague, came back from Vienna, and he proposed certain terms for obtaining peace. Those terms were denounced in the House of Commons and in the country; but the reason, in fact, why we did not adopt them, is not because they were considered in the House of Commons and in the country to be totally inadequate to the occasion, but because our ally would not agree to them. Therefore, the inference is that, if by any chance no difficulty had arisen from France, the terms upon which this great quarrel is to be settled, the terms upon which this war is to be really concluded, are, in fact, those very terms which the noble Lord the Member for the City of London brought from Vienna, and that, had it not been for the difficulty thrown in the way by France, the noble Lord the First Minister of the Crown and his colleagues in the Cabinet would have accepted them. ["No, no!"] No, no! Will some of the colleagues of the noble Lord rise and speak upon that subject? The noble Lord cannot speak again himself, but there are plenty of his colleagues on that bench who can. Let them answer my facts. "No, no!" won't do. I say that is the true and only inference, and I am going to pursue the subject, so do not let any peace Member of the War Cabinet cry "No, no!" I say, that it is the only inference that can be drawn from the rash and discourteous observations of the noble Lord, precipitate though I believe them to be. He spoke with little thought and less courtesy to my hon. Friend the Member for Hertfordshire, and the inference to be drawn from what he said is, that the terms which the noble Lord the Member for the City of London brought from Vienna would have been accepted by the Cabinet, had it not been for the obstruction and difficulty which arose from France; and, therefore, my hon. Friend asks what are those terms which the noble Lord thinks he could without difficulty have accepted? We know, then, inferentially, what are the objects for which we are fighting; and I put it to the House, if this be the true state of the case—and I have reasons for believing it is independent of the observations we have heard—how are we to justify the conduct of the noble Lord the First Minister of the Crown,—who is to be maintained in office as a War Minister, who is to conduct the war?

VISCOUNT PALMERSTON: Really, Sir, I must speak to order. The right hon. Gentleman is totally misrepresenting what I said. I reminded the hon. Member for Hertfordshire of what had been stated by my noble Friend (Lord J. Russell) in regard to himself, and that his opinion as to the practicability of adopting the terms which he brought from Vienna was changed by circumstances which had been brought to his knowledge; but I never stated that that was the opinion of the rest of the Cabinet, or my own opinion. On the contrary, I stated the very reverse—namely, that the language of Lord Clarendon in those despatches, which is invariably adverse to such proposition, was the language, opinion, and sentiment of the whole of the Cabinet, and of myself in particular.

MR. DISRAELI: What the noble Lord has said does not in the least affect what I am urging. If in consequence of circumstances the noble Lord the Member for the City of London remains in the Cabinet, if, in consequence of circumstances, any Member of the Cabinet, or all the Members of the Cabinet who had favourably received that proposition—[Viscount PALMERSTON: There were none]—also remain in the Cabinet, the result is the same. "Something has happened, Gentlemen," I can fancy I hear the noble Lord saying to the rest of his colleagues, "it is of no use now to discuss whether we shall have war or peace, it is no longer necessary to have any conference as to whether we shall prosecute the war with vigour or whether we shall accede to any Austrian or other proposition, because circumstances have occurred which render it impossible that we can make the arrangement that we intended, and therefore that question is dismissed to the limbo of abortive projects." The very reasons and considerations which induced you to allow your valued colleague to remain in the Cabinet influenced you all at the same time, and the case is rested upon the fact that circumstances occurred —namely, the conduct of the Government of France—which prevented your any longer considering the question; but had it not been for those circumstances the inference is that which I draw—that you would have accepted those terms, and, if possible, would have carried them through Parliament.

Admitting, then, the inference to be a just one, what are we to think of this triumphant War Minister—this Minister, who is only made a Minister because he can carry on the war with great skill—what can we think of his conduct to his late colleagues the right hon. Baronet the Member for Carlisle (Sir J. Graham) and his friends? Did you or did you not approve the project which the noble Lord the Member for the City of London brought over? And this is a subject on which we ought not to be content with any superficial reply. It is not enough for a Minister to get up and say. "We did not approve that project, though there might be some points upon which we agreed." Is it, or is it not the fact, that the noble Lord the Member for the City of London communicated with his colleagues—other colleagues than those whose names appear in the papers before the House? Did he not communicate the outline and spirit of the policy which was developing under his auspices at Vienna, and did he, I ask, receive any discouraging reply? Is there not, on the contrary, reason to believe that he did communicate it, and did not receive any discouragement? Did the noble Lord the Member for the City of London, when he arrived in England, expect, and had he reason to expect, that there was a fair chance of those propositions being acceded to and carried into effect? I beg the attention of the House to this:—Is it a fact, or is it not a fact, that the French Minister communicated with the authorities at Paris while he was at Vienna; that he received a reply which was favourable to those propositions; that that reply was communicated to the noble Lord the Member for the City of London; that the noble Lord, in consequence, communicated with his colleagues; and that, in fact, there was—not a compact or a convention, but a general understanding for a brief space, even between both Governments, that those terms would have been accepted? Is it or is it not a fact that there was at least a day—I believe a much longer period—when those terms were cordially accepted by the Government in London, and when the noble Lord accepted them? [Viscount PALMERSTON: No!] Very well. I remember six weeks ago making a speech about ambiguous language and uncertain conduct, and I then had the same "No!" from that same bench. I do not know whether the present Session of Parliament will last six weeks longer; but, if it do, I believe that I shall find that the remarks which I am now making, and which are received so sceptically from a quarter—although a limited quarter—in this House, will be acknowledged by the great majority of this House to be authentic truth. All I can say is, that I make the statement upon information which I believe to be of the highest authenticity. I do not want it to be more esteemed than any information which I give upon my own personal authority, but I express my profound conviction of its truth. And now we are told that this is "Much Ado About Nothing!" Two years ago you were involved in diplomatic negotiations upon a most important subject. If any Member of this House at that time asked a question, he was told, "Do not press it, you will embarrass our diplomacy." Hon. Gentlemen yielded, and what did that abstinence on the part of the House of Commons end in? In the greatest diplomatic defeat on record. Another year came, and you were involved, not in diplomacy, but in war. If a Gentleman rose then in this House to ask a question he was told "Silence! Say not a word, the enemy will know our plans; you are placing obstacles in the way of our vigorous prosecution of the war." And what did that end in? In the most disastrous war ever conducted? Now, Sir, a third year has come, and the third Session is about to expire. Nearly at its termination, when all are silent, including those who think that there is no greater object in life than Parliamentary success, and that a strong Government is the Government which can command a Parliamentary majority — a foreign document appears — the mind of the country is agitated at a few expressions in that foreign document, and a question is asked in the House of Commons—doubt and distress pervade the land, and a belief exists that there is guilt in the management of our affairs; for I call it guilt—I call it guilt to come down to this place, as a Minister, to a free House of Commons, and to give reasons for your policy which are totally at variance with your secret instructions to your Minister abroad. That single foreign document appears—the people are agitated—they think—they talk—their representatives in this House ask questions. What happens? The foremost of your statesmen dare not meet the controversy which such questions provoke. He mysteriously disappears. With the reputation of a quarter of a century, a man who has reformed Parliament, who, as he has told us to-night, and often before, is the successful champion of civil and religious liberty, in the cause and name of which he has accomplished great triumphs—he who has met the giants of debate—he who has crossed his rapier with Canning, and even for a term shared the great respect and reputation which this country accords to its foremost men with no less a person than Sir Robert Peel—he dare not meet the debate. But who dares meet it? The First Minister of the Crown, who has addressed this House to-night in accents and in language utterly unworthy of his position, and utterly unworthy of the occasion, and who has shown to me to-night, by his language, and by the tone of his mind, that if the honour and interests of the country be any longer intrusted to his care, the first will be degraded, and the last, I believe, will be betrayed.

Mr. ROEBUCK: Sir, the noble Lord the Member for the City of London fancies that he is injured; but who has done him an injury? A question was asked of the noble Lord the First Minister of the Crown who was aforetime his colleague; and that question elicited an answer from the noble Lord which occasioned the Motion of the hon. Baronet the Member for Hertfordshire. The noble Lord the Member for London upon that occasion did what he has more than once done before. At the very sound of danger—at the very first whistling of the storm, he ran and hid himself in the back benches—he disappeared from the Treasury bench. The right hon. Gentleman (Mr. Disraeli) says that the noble Lord with a reputation of a quarter of a century mysteriously disappears. I think that the noble Lord's reputation mysteriously disappears. What is it of which the noble Lord is accused? I think it will go to this point—that he has forgotten his duty to England, to this House, to truth, and to honour. ["Hear, hear," and "Oh, oh!"] Well, I will see if it be not so. In consequence of a Motion which I made in this House the noble Lord retired from the Cabinet of the Earl of Aberdeen, and in retiring he left behind him a speech which, in fact, broke up that Cabinet. Then, like a Jack-in-the-box, he turns up at Vienna, where he is entrusted with the great interests of this great country. He goes there with specific instructions, which are of such a nature as to reflect great honour upon the noble Lord now Secretary of State for Foreign Affairs. When there certain proposals are said to have been made by the Austrian Minister. To those proposals the noble Lord accedes, and he sends them to the Cabinet with this significant paragraph at the end of his letter:—"I hope that no contradictory answer will be given to these propositions before I am heard." The noble Lord comes home in the character of a Member of the Cabinet. The question of the conferences is brought before this House. He has been heard; the Cabinet knew his opinion, they knew the ground for his opinion, and when he comes to this House he comes with his conduct as a negotiator impugned. Now, I will appeal to this House, and to every Member who recollects the speech which was made by the noble Lord on the 24th of May. In that speech the noble Lord declared himself to be the uncompromising advocate of the war. Did he in that speech give us to understand that the negotiations had been so carried on that he had received proposals for peace from the Austrian Minister which had met his approval, and which he had engaged to submit to his Cabinet? Did he not lead the House—I am sure he led me—to an opinion which gave the noble Lord at the head of the Government a large majority upon that occasion? I will make a confession—I came down to this House fully intending to vote with the right hon. Gentleman the Member for Buckinghamshire. In proof of that I will make one statement. I received a letter from the noble Lord the First Minister inviting me to a meeting of his friends previous to that discussion. Feeling within myself that I was about to oppose the noble Lord, I did not attend that meeting, because I felt that it was no place for me. But, nevertheless, I voted with the noble Lord upon that occasion. And why? Because of the speech of the noble Lord the Member for London. When I came to the House I believed that there was a divided Cabinet. I thought that the noble Lord—and it is very well known that there was a rumour pervading the whole House and every gallery in it to the same effect—I thought that the noble Lord intended to come down and to make a speech which was to bridge over the chasm which separated the Government from the Peace party. Instead of so doing, the noble Lord made a vigorous onslaught upon Russia and the Peace party. I said to myself, "We have now a united Cabinet," and I could see the danger and difficulty of ousting such a Cabinet. The noble Lord convinced me that he was in earnest, and I voted with him. He practised on me a deceit, and I say that the noble Lord at the head of the Government condoned with that deceit—he was participant with that deceit, and I say that that was not doing his duty to the country or to this House. The words that were upon the lips of the noble Lord did not represent the opinion that was in his heart. He came down and hounded on the House to war when he himself was inclined to peace. But the noble Lord (Lord J. Russell) says that when he came from Vienna that was his opinion, and that circumstances occurred within the week which changed that opinion. The right hon. Gentleman (Mr. Disraeli) says that those circumstances were the opinions which were expressed by France. The noble Lord at the head of the Government says that that is not so. [Viscount PALMERSTON: No, I said no such thing.] Then it was so, I presume. This is another sample of "ambiguous language!" I, as one of the representatives of the people, have a right to know the circumstances which changed the opinion of the noble Lord. When it was stated that the opinions of the noble Lord were changed in consequence of the opinions expressed by the Government of France, the noble Lord at the head of the Government denied that this was the case; and now the noble Lord says he did not make that denial. But if that was not the cause of the change of opinion, I ask what was the cause? This House has a right to know it. Whatever the cause may have been, it was the duty of the noble Lord (Lord J. Russell) to tell the House what he did when he represented this country at Vienna. Two sets of papers relating to Eastern affairs have been laid on the table by the noble Lord at the head of the Government. The papers were laid before the House previous to the debate of the 24th May. The first set, containing the protocols, was intended to give information to the House, but did not convey the slightest intimation of the conduct of the noble Lord the Member for London with regard to the proposal of the Austrian Minister; and the information they did convey to the House has been totally contradicted by the last set of papers that has been presented. I say, again, that the hand of the noble Lord is the hand that practised this deceit. I mean the noble Lord at the head of the Administration. I now pass by the noble Lord the Member for London—he is gone. But the noble Lord at the head of the Government remains, and I want to know who else remains? I want to know who is of the same opinion as the noble Lord the Member for London? I want to know who are the traitors that are now in the Cabinet? What are the opinions of the right hon. Gentlemen the Home Secretary, the Chancellor of the Exchequer, and the First Lord of the Admiralty? It is my sincere belief that they coincided with the opinion of the noble Lord the Member for London when he returned from Vienna, and that so far from having an undivided Cabinet stedfastly carrying on the war with their whole heart and mind, we have a Cabinet divided among themselves, a great number of them agreeing with the right hon. Gentlemen near me (Sir J. Graham and Mr. Gladstone). Let me on the present occasion remark upon a very curious incident that has occurred with regard to the war and the gentlemen who are carrying it on. From the time of the declaration of war until my notice of a Motion for the appointment of the Sebastopol Committee, before the world there was unanimity in the Cabinet—every one believed that they were of one mind and were carrying on the war as well as they could. When I gave that notice, the noble Lord (Lord J. Russell) terrified at the thought of a discussion upon it, disclosed a divided Cabinet. He disclosed, also, that they had been divided from the very beginning of the war, upon—what? Upon an insignificant matter? No! Upon the conduct of the war itself—upon the very existence of the War Minister! That was the first result of a Parliamentary inquiry. The next result was the breaking up of Lord Aberdeen's Administration, and the next was the appointment of the Sebastopol

Committee. Then the three right hon. Gentlemen near me (Sir J. Graham, Mr. Gladstone and Mr. Sidney Herbert) left the Cabinet of the noble Lord, and the moment they had done so it turned out that they were the peace party. We never learnt this while they were in the Cabinet. Then the noble Lord the Member for London makes his violent war speech. He had left this country with a sort of blemish upon his reputation—his mind was soured by Parliamentary defeats, and when he arrived at Vienna he tasted all the sweets of flattery; he was intoxicated with that flattery, and turned round to the opinion of his flatterers. But when he came back, when the strong breezes of Parliamentary opposition blew upon him, he again changed his opinion (the fickle vane fairly represents the noble Lord's mind), and he came to this House and made his warlike speech. The gentlemen who had turned him round their fingers at Vienna naturally were angry at it, and disclosed what he had done. This again was a consequence of Parliamentary action. The noble Lord now turns out to be a peace Minister. Thus, whenever the Parliament comes to act upon the Government carrying on the war, by some curious coincidence it discovers a peace Minister. The noble Lord says that he changed his mind after he returned from Vienna, and in consequence of that change came down and made the speech. What did the noble Lord say in that speech? [The hon. and learned Gentleman was beginning to read a passage in Lord J. Russell's speech from a newspaper, when he was interrupted by calls to "order;" whereupon, he tore a piece out of the newspaper, and was proceeding with his quotation, when—]

Mr. SPEAKER said, the rules of the House did not allow the hon. and learned Member to quote from a newspaper a speech which had been delivered during the present Session, and he did not think the hon. and learned Member could cure the irregularity by tearing a piece out.

Mr. ROEBUCK: Then, I will give the effect of the noble Lord's statements from my own memory, and if I am incorrect, the fault is not with me, but with the rule of the House which obliges me to rely upon that faulty instrument when I have a correct report at hand. On the 4th of July, the noble Lord, in reply to a right hon. Gentleman, said he had not changed his opinion with regard to the proposition of the Austrian Minister, and on the 7th of July he disclosed what had taken place at Vienna. This opinion of the noble Lord being known to all his colleagues when he made his speech upon the 24th of May, he might have said with poor Eloisa,—

"And saints with wonder heard the vows I made;"

for the saints on the Treasury bench must have heard with wonder the statements which he made. Those statements were, that he was in favour of a vigorous prosecution of the war, and he turned round and argued against the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) who had proposed the very thing which the noble Lord supported at Vienna, and explained how futile would be the security which that proposition was intended to obtain. After that, can the House or the country place confidence in the noble Lord or any of his colleagues? I say, No; for the conduct of the noble Lord has been such as to shake the confidence of the world in the whole of political society. Truth and honour among public men may now be considered as nought; for what can truth be but the clear statement of that which has occurred, not the palming of a false conception of it upon others? Did not the noble Lord come to this House in May, and persuade us into the belief that he was not only a steady supporter of the war upon that particular occasion, but always had been so, and that he had carried on the Conferences at Vienna in the spirit sanctioned and commanded by this House? I say that the noble Lord by such conduct has not done his duty to the House, to the country, to truth, or to honour.

Sir GEORGE GREY: Sir, as the Resolution of the hon. Baronet (Sir B. Lytton) is to be withdrawn, I should not have thought it necessary to have taken a part in the discussion had it not been for the statements which have been repeatedly made by the hon. and learned Gentleman, (Mr. Roebuck) without a shadow of proof for their support, with respect to the opinions of different Members of the Cabinet. The hon. and learned Gentleman has asserted that there were Members of the Cabinet—and he has done me the honour to single me out especially as one of them—who thought that the Austrian proposal brought by the noble Lord (Lord J. Russell) from Vienna ought to have been accepted. He has asked me whether that was my opinion. Sir, I decline to answer the appeal of the hon. and learned Gentleman. If any Member of the Cabinet had in Parliament, or upon any public occasion, expressed any opinion, or done any act calculated to throw suspicion upon the sincerity of his conduct, I should have felt that any Member of the House had a right to call upon him to explain and to vindicate his conduct; but when the hon. and learned Gentleman makes the assertion without a shadow of proof, but merely from his own imagination, that certain Members of the Cabinet have pursued a course dishonourable to them, I think they would degrade themselves in the face of the House and of the country, and would depart from their duty if they condescended to answer a question with regard to the opinions they had expressed in the Cabinet. The papers are now on the table of the House, stating the results of the deliberations of the Cabinet, and the reasons which influenced them in their rejection of the Austrian proposals are also before the House; they are expressed by the noble Lord the Secretary of State for Foreign Affairs in language which has, I believe, elicited the universal approbation of the House, if I except those who are in favour of peace at any price. I, as a Member of the Cabinet, felt bound by those recorded opinions, and I will not profess my individual concurrence with them, because I, as a Member of the Cabinet, am responsible for them. I deny the right of any gentleman, without bringing forward proof of his statement, to say that there are Members of the Government who dissented from those, the recorded opinions of the Government, while they still remain Members of the Cabinet. The right hon. Gentleman opposite (Mr. Disraeli) ventured to make an assertion of the same kind; he having charged the Government generally with having used uncertain and ambiguous language. Now that the correspondence relating to these Conferences at Vienna is produced, when he is compelled to avow that our language is certain, clear, and unambiguous to the fullest extent, the right hon. Gentleman says that he has private information, the sources of which he has not laid before the House, on which he undertakes to say that there was a time when the Members of the Government, through the noble Lord at the head of the Government, had expressed an opinion in favour of the Austrian proposals, and were prepared to accede to them. To that general statement I, not speaking for myself as an individual, but on behalf of the Government, give a most unqualified contradiction. The Austrian propositions were discussed on the return of my noble Friend, the Member for London, from Vienna, and I must say that on Friday, the 6th instant, I heard his speech with regret and surprise, for I saw the misrepresentation to which he had laid himself open, and I told him so the same night, and that I thought by his imperfect statement he had been unjust to himself. With respect to what really occurred, it is perfectly true, as the hon. and learned Member has stated, that my noble Friend, who was then on his way from Vienna, requested that the Austrian proposals might not be rejected before he had been heard. The propositions were discussed during the week ending May 5th; during those discussions my noble Friend stated his views, and other Members of the Cabinet stated theirs, and the question was fully considered with the view of arriving at a conclusion which would be consonant with the dignity and interest of the country. I, at the close of that week, should have been prepared in the most unqualified way to assert that it was the unanimous decision of the Cabinet that the interest and dignity of the country required that the Austrian proposals should be rejected. I challenge the right hon. Gentleman to prove that Members of the Government expressed an opinion in favour of the Austrian propositions. We discussed them, and some members of the Cabinet were, perhaps, influenced by some reasons which did not press with the same weight on the minds of others, but we arrived at the unanimous conclusion that the interest and honour of the country required that the Austrian proposals should be rejected. This was stated in the despatches which, before they were sent, were communicated to every Member of the Government, and, I believe, received the cordial and unanimous concurrence of every Member of the Government. The House has been told that my noble Friend practised a deceit on the 24th of May, when he expressed himself in favour of a vigorous prosecution of the war, and that we, his colleagues, were partakers in that deceit when we did not remonstrate against the inference which the House had a right to draw from the speech of my noble Friend. I deny that either he or the Government is chargeable with deceit; my noble Friend on that occasion used language in which every one of his colleagues heartily participated when he led the House to believe that he was in favour of a vigorous prosecution of the war, and that we must take means which would prove more successful than negotiations had been, by insuring, as far as human foresight could, the success of our arms in the Crimea. That speech was one from which none of his colleagues could honestly dissent; it expressed, I believe, the honest opinions at that time of my noble Friend, and his sentiments were shared by every Member of the Government.

MR. GLADSTONE: I am not going, Sir, to enter into the personal questions which have arisen during this debate, neither do I intend to avail myself of the opportunity which is technically offered of discussing the policy of the war or the conduct of the late negotiations, for it appears to me that, as important papers, containing most important disclosures, have been laid on the table since we debated the momentous subject of the war, it is plain that the House did debate this subject, not, indeed, in total darkness, but with imperfect information in respect to the subject it was discussing; and an early opportunity must therefore be afforded of returning to this question. In the midst of the many difficulties by which we are encompassed, it appears to me, in consequence of questions which have arisen on the papers which have lately been produced, that it is desirable that the Government should take an opportunity to give the fullest explanation as respects the rules and obligations which they ought to observe in regard to the communication of papers to the House which are to be made the foundation of debate, of solemn judgment, and decision. The first point which I shall now mention touches my noble Friend the Member for the City of London, and he will, I hope, have an opportunity of explaining the objection which I mean to take to his speech of the 24th of May, if my objection has the semblance of being well founded. I do not wish to overstate or to exaggerate the character of that speech as being in favour of an Administration of a warlike policy, but this stands clear in my recollection, when I, in the course of that discussion, speaking before any Member of the Government had delivered an opinion, ventured to say that the second proposal of the Russian Plenipotentiary, instead of being summarily rejected, ought to be dealt with as a starting point for further communications, my noble Friend, following me in that debate, denounced in the strongest terms that Russian proposal. He even went so far, if I remember rightly, as to say, rather than admit terms substantially corresponding with those of the Russian proposal, it would be better that you should avowedly have thrown over the third point altogether, and have stated your inability to deal with it. I must confess, having these emphatic words of my noble Friend in my recollection, it was with considerable surprise that I read the letter to be found in page 8 of the papers which have recently been presented to the House, in which he, on his own part and on the part of the Minister of France, proposes to the Government a certain plan for the settlement of these disputes. I will not trouble the House by reading the whole of this letter, but it will be found on reference to it that my noble Friend says—

> "If other hope is lost, I wish to propose to the Conference the following plan. The French Minister is favourable to it. Austria will not support any demand for cession of territory."

The plan proceeds, as it appears to me, on precisely the same basis as that on which the Russian proposal was founded, which my noble Friend, in the debate to which I have alluded, so severely condemned in this House, on the 24th of May. This is not a question as to the terms subsequently proposed by Austria, but a new and distinct proposal from the British Minister in which he appears to me to recommend to the Government a proposal which in every substantial point agrees with the Russian proposal. The basis on which the proposal was made was, that the amount of her fleet should be left to the discretion of Russia, and that there should be no absolute limitation of it, but that this power must be met and kept in check by the unlimited discretion to be reposed in the Porte with respect to calling in her allies. That was the nature of the Russian proposal, and in the plan proposed by my noble Friend the general rule for closing the Straits is maintained, but it rests with the Porte as to when and how that rule should be relaxed, and it is stated that such relaxation should not constitute a ground of complaint on the part of Russia. My noble Friend in his proposal says, that the Straits are to be closed so long as the naval force of Russia does not exceed a certain number, but that—

> "Upon any increase of the Russian naval forces beyond the number specified in Article 1, or on the existence of a larger Russian force being ascertained, a larger number of ships of war of

> the allies of the Sultan may pass through the Straits into the Black Sea, in conformity with the desire of the Sultan, and in the proportions to be regulated from time to time by agreement from the Ottoman Porte; such increase not to form at any time a legitimate subject of remonstrance on the part of Russia."

This, I believe, is the material part of my noble Friend's plan. There are other minor points, but, as regards the great question of the naval force of Russia in the Black Sea, the passage I have quoted contains the main portion of his plan, and I say that it not only resembles, but that it is, for every practical purpose, identical with the plan of the Russian Plenipotentiary. In point of fact, indeed, it is more limited and restricted than the plan proposed by the Russian Plenipotentiary. There is another question upon which I wish to touch, and I think it will be seen from my remarks that I do not take the same view of these papers as the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), and I invite him to listen to the observations which I am about to make upon their tendency, because I think, if they are well founded, that they will afford an answer to one of the charges which he has brought against the Government. The plan proposed by Russia, to which he has referred, was transmitted by my noble Friend (Lord J. Russell) from Vienna on the 16th of April, and was rejected by the noble Lord the Secretary for Foreign Affairs, I presume, by a telegraphic message on the 18th of April. On that day the noble Lord, then the British Plenipotentiary, wrote a most important letter, and in that letter he stated to his Government that it had been agreed between him and the other Plenipotentiaries that at the next conference a certain order of proceeding should be adopted. The first plan to be proposed at that conference was the plan agreed upon in London and Paris for the absolute limitation of the naval power of Russia, and if that failed the other plans were to be proposed. The first plan was that there should be a limitation of naval power, which should be arranged between Russia and Turkey alone, and which then should be made part of the general treaty; and the other was that plan which has of late been so much spoken of as the Austrian proposal, and which, at that time, received the sanction of the noble Lord. That letter was received on the 21st of April, and in the closing passage of that letter the noble Lord said—

> "Should the Government of Her Majesty, in concert with that of France, be of opinion that such a peace can be accepted, they will instruct Lord Westmorland accordingly. If not, I hope to be allowed to be heard personally before a final decision is made."

Now, I wish the House to observe that this letter of the noble Lord appealing for a personal hearing in the event of the proposal being disapproved by the Cabinets of London and Paris was received on the 21st of April. On that very day a letter was written by the noble Lord the Minister for Foreign Affairs, not taking any notice whatever of the appeal of my noble Friend from Vienna. That letter, however, dealt with the plan, and, in my opinion, entirely disposed of it. The noble Lord the Foreign Secretary referred to a communication which had been made to him by Count Colloredo, on the 20th of April, and which, in fact, embodied the principle contained in what is called the Austrian proposal, and, with regard to the question of naval counterpoise, the noble Lord wrote—

> "I said that the opinions of Her Majesty's Government with respect to the system of counterpoise were well known to Count Buol, and it was hardly necessary to repeat that they looked upon it as impracticable and illusory."

It is plain, therefore, that the Austrian plan was not rejected in May or June, but in April, because it is, I think, quite clear, and if I am wrong I am subject to correction, that this letter of Lord Clarendon, written on the very day upon which the letter of the noble Lord the Member for London was received, was a total rejection of the proposition involving the principle of a naval counterpoise. But there were two Austrian proposals. You will see from the papers that the proposal of counterpoise stands second in the Austrian communication; the first—which was discussed in the conferences and rejected by the British and French Plenipotentiaries—was a proposal which admitted limitation, that limitation to be arranged in the first instance between Russia and Turkey, and then incorporated in the general treaty. How did the Government receive that proposal? The one, as I have stated, was rejected on the 21st of April, the very day upon which the Government received a letter recommending it from their own Plenipotentiary; the othe was treated in the same summary and unceremonious manner on the 24th of April. On that day Lord Clarendon wrote a despatch to Lord Westmorland on the subject of "the proposal No. 2, of Count Buol," namely, "That Russia and Turkey by mutual agreement should maintain reciprocally a force no larger than that which shall remain to Russia at the end of the war." He goes on to condemn that proposal, and to signify in the most distinct and emphatic terms the disapprobation of the Government with regard to any such plan. It seems to me, therefore, that it would not be right to charge the Government with having these proposals too long floating in the air and waiting their final fate; on the contrary, I am rather surprised, after the solemn appeal made to them by their own Plenipotentiary for a personal hearing, that they rejected one of the plans on the very day upon which his letter was received, that in three days after the other proposition was also rejected, and that the Government committed themselves to the rejection of both without giving the noble Lord an opportunity of discussing them with his colleagues. I wish, however, on the present occasion not so much to refer to the rapidity of these proceedings, however singular it may appear, and however much it may require explanation, as to advert to transactions which have taken place in this House. If I am right, it appears that the two Austrian proposals were finally rejected in the week which began on April 30, and ended May 5, and that circumstance was not communicated to this House. I do not complain of that communication being withheld, but what I do complain of is, that a communication was made to the House which, according to all probability, would lead Members of the House to arrive at the conclusion that the state of affairs was very different from that which t really was. The noble Lord at the head of the Government, in reply to a question put to him on the 21st of May by my right hon. Friend the Member for South Wiltshire (Mr. S. Herbert) stated that—

> "Her Majesty's Government certainly do not consider all the modes of solution of the question at issue as exhausted. We do consider that Austria is still charged, by her own voluntary assumption, and the consent of the allies, with the task of endeavouring to discover means of bringing about an accommodation between the contending parties."—[3 *Hansard*, cxxxviii. 836.]

This answer was given on the 21st of May, and on the 21st and 24th of April letters had been written which committed the Government to the condemnation of what has lately been talked about as the Austrian proposal. I am myself inclined to doubt if the Government, in making this communication, observed strictly the relation which they bear to this House. I admit that the Government has always a right to reserve information if they conceive it to be for the public service; but the Government ought never to place the House in possession of information, when by doing so they invite an expression of opinion, unless that information is perfect and complete in itself. The House was called on to discuss the question of the Conferences at Vienna. We came to that debate in the full belief that Austria, England, and France were as one in those negotiations, but since then, we have, for the first time, learnt that a diplomatic rupture had taken place. Why, Sir, that was a vital element in the consideration of the question. The maintenance of the European combination is an element second in importance to none, as I hope to be able to show when the proper time shall have arrived. Does it not stand on the face of the papers, which have lately been laid before Parliament, that a diplomatic rupture has taken place? And yet, although Austria has only made two propositions, and those were rejected before the answer of the noble Lord on the 21st of May, we have not yet heard whether the Government have any reason to believe that Austria has any other proposal to make which may lead to a pacific solution. It appears to me, that we have been placed in a false position, and although I know the difficulty experienced by a Government when it has, in preparing papers to lay on the table, to deal with a mixture of official and non-official communications, and with diplomatic proceedings continually crossed by proceedings in this House — although, I say, I know the great difficulty with which they have to contend, still I say, that it is of the utmost importance that we should have a clearer understanding of the relation between England, Austria, and France, than we possessed at the time of the last debate to which I have referred, in order to enable us to come to a decision on the subject.

Motion, by leave, *withdrawn.*

MERCHANT SHIPPING ACT AMENDMENT BILL.

Order for Third Reading read.

CAPTAIN SCOBELL said, he had submitted a clause to the right hon. Gentleman the Vice President of the Board of Trade, to which he now invited his attention and the attentien of the House, for the purpose of giving some protection to sailors in cases against being compelled to go to sea in unseaworthy vessels. There were very stringent regulations for punishing sailors who left a vessel they were engaged to navigate before the completion of the voyage, but there was no remedy given to them as against the owners or masters if they found that their lives were in danger by continuing in a vessel that was unfit to go to sea. He would beg to propose that when a certain number of the crew considered the vessel they were engaged to navigate was unseaworthy, and made an affidavit to that effect, they should have an opportunity of proving their allegation, and if found correct, should be allowed to leave the vessel.

Bill read 3°.

On Question, "That the Bill do pass,"

VISCOUNT GODERICH said, he wished to call attention to the case of the ballast-heavers, which had been more than once brought under the notice of the House. Their case was very similar to that of the coal-heavers who had been provided for by special legislation ; and, on a former occasion, he had moved an Amendment very similar to that which he was now about to submit. The then President of the Board of Trade had, however, objected to it, on the ground that the clause which he proposed would be amply sufficient for the object in view, and in consequence of that assurance he (Viscount Goderich) did not press his Amendment. Since then the clause in question had been in operation, and had been found productive of great good in a certain limited circle, but outside that circle it had left standing all the evils which it was intended to meet. Those evils arose from the fact that, in the ballast-heaving trade there had been long established a truck system of a most objectionable nature. The persons engaged were employed by publicans, and were obliged to drink a large amount of liquor. In consequence, an enactment had been introduced by the right hon. Member for Oxford (Mr. Cardwell) giving permission to the Trinity House to heave ballast, and employ a certain number of these ballast-heavers for the purpose. Two letters had been addressed to the Trinity House on the subject of the Act of 1853—one stating that it had been successful ; and the second showing that the evil complained of still existed to a large extent with respect to the men not employed by the Trinity House. It was with the view of extending the benefits of the enactment that he would beg to propose the following clause—

> "That in addition to the duties hitherto performed in consideration of the ballastage rates, under the local Act of the seventh year of Her present Majesty, chapter fifty-seven, for the regulation of Lastage and Ballastage in the River Thames, the Trinity House shall put the ballast supplied by them to ships on board of the same ships, and shall unload the ballast from ships requiring to unload their ballast into Trinity House lighters, except where these duties shall be performed by the crew of any such ship ; and the Trinity House shall be entitled to charge for such additional duties such reasonable additional rate per ton for ballast so placed on board or unladen, as Her Majesty, by Order in Council, from time to time, approves."

Clause *brought up*, and read 1°.

MR. BOUVERIE said, he must object to the clause suggested by the hon. and gallant Member (Captain Scobell), inasmuch as it was extremely difficult satisfactorily to ascertain and determine whether a ship was really worthy to go to sea or not, and because a clause of the kind must put seamen in possession of a power which they could not fail to abuse, a power of raising difficulties and unreasonable objections *ad infinitum*. As to the clause moved by the noble Lord (Viscount Goderich) he was afraid he must also object to it. If the noble Lord would wait a little time, and observe the operation of the present law, which had not yet had a fair trial, he would find that it effected the greater part of what he wished to accomplish. Besides, the clause moved by the noble Lord must prove incapable of effecting the object for which it was designed.

MR. MAGUIRE said, he should support the clause of the noble Lord, on the ground that it was calculated to remove many if not all of the evils that had grown up under the old system, and which still existed. At the present day men were hired to place ballast on board ships, not because they were good workmen, but because they were hard drinkers. They were expected to drink 6*s*. or 7*s*. out of every 25*s*. in the house of the contractor, or in that of the publican with whom he was in league. The misery that ensued to the families of the wretched men was most harrowing.

LORD JOHN MANNERS said, he hoped that the right hon. Gentleman (Mr. Bouverie) would not persevere in his opposition to the clause, which was calculated to operate very beneficially.

MR. HENLEY said, he thought that the matter could not be dealt with in the summary manner proposed by the clause of the noble Lord, which would create a monopoly in the hands of the Trinity House for the performance of a particular description of work, unaccompanied by some safeguard against abuse in the shape of a provision regulating the prices to be charged.

VISCOUNT GODERICH said, he was anxious to bring in a proviso to meet the objection of the right hon. Gentleman the Member for Oxfordshire, but he feared that he could not then do so consistently with the rules of the House.

Motion made, and Question "That the Clause be now read a second time," put, and *negatived.*

Bill *passed.*

STAGE CARRIAGE DUTIES, &c., BILL.

Order for Committee read.

House in Committee.

THE CHANCELLOR OF THE EXCHEQUER said, as it had not been expected that the Bill would come on at so early an hour—as several hon. Members who objected to some of its provisions might not be present—and as notice had been given of a Motion for the rejection of the 6th clause, he proposed to proceed with the first five clauses in Committee, and that progress should then be reported.

Clauses 1 to 5 inclusive having been agreed to,

MR. HORSFALL said, he had hoped his right hon. Friend the Chancellor of the Exchequer would have withdrawn the 6th clause, but if he did not adopt that course he thought the Committee ought to proceed with the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he had merely suggested the postponement of the clause because some hon. Gentlemen, who took an interest in the subject, might have left the House in the belief that the Bill would not come on at so early an hour. He would move that the Chairman report progress.

MR. SCHOLEFIELD said, he thought that the Government ought not to have proceeded with as much of the Bill as it suited their purpose to take, and then propose to postpone the remainder.

MR. ALCOCK said, he must express a hope that the Chancellor of the Exchequer would reduce the duty on stage horses from 1½*d.* to ½*d.* He thought the duty imposed by the 6th clause upon building societies was unfair and unreasonable.

Motion reporting progress *withdrawn.*

Mr. Henley

Upon the 6th clause,

Clause 6. (Provides that exemptions from Stamp Duty on behalf of Building Societies shall not extend to any conveyance, mortgage, transfers, or agreement made after the passing of this Bill to or on behalf of any Benefit Building Societies by members of such societies to whom sums exceeding 240*l.* are advanced by such society).

MR. HORSFALL, in moving the omission of the clause, said, that he had received communications from the members of numerous Benefit Building Societies throughout the country, complaining of the manner in which the clause would affect such societies. These persons represented that, in their opinion, the clause had been introduced under some erroneous view of the nature of those exemptions from stamp duties which were enjoyed by the members of Benefit Building Societies, and also of the character and operation of such institutions. Upon every transaction of an extraneous character the stamp duty was at present paid by the society, and on that ground he appealed to the Committee to support the rejection of the clause.

LORD ROBERT GROSVENOR said, he thought it was the general wish of the Committee that this clause should not be pressed, and he, therefore, hoped that his right hon. Friend the Chancellor of the Exchequer would withdraw it.

THE CHANCELLOR OF THE EXCHEQUER said, he must confess that he felt himself placed in circumstances of considerable difficulty with respect to the clause now under consideration. In the situation which he had the honour to hold he felt it his duty not to allow important branches of the revenue to be undermined by proposals which would have the effect of making large breaches in the productiveness of certain taxes, contrary to the intention of the Legislature at the time such taxes were imposed. From many representations which had been made to him, he was aware that strong objections were entertained to the clause, but he believed that those objections rested in a great measure upon a misapprehension of the true state of the facts of the case. The only means of ascertaining the true facts of the case was by an impartial inquiry, to be conducted, not under the direction of the Government, but by the Members of that House. He was, therefore, willing to consent to withdraw the clause for the present Session, on the understanding that next Session the House would not object to the appointment of a Select Committee to investigate the subject, and to ascertain by a minute examination, and by the evidence of competent and impartial witnesses, whether or not those societies were justly entitled to immunity from stamp duty. No doubt a Select Committee would come to a perfectly impartial decision upon the subject.

Mr. BRIGHT said, he thought that the right hon. Gentleman had taken a very judicious course, for two reasons; in the first place because he would not have been able to carry the clause, and next, because he (Mr. Bright) thought there was a great deal in the complaint which had been made, that the Government, in a clause like this, had attempted to impose a new tax upon a large portion of the people in a Bill which had no reference to the matter on which the tax was proposed to be levied. With regard to the tax itself, he was not one of those who thought that various classes of society, under one pretence or another, ought to be exempted from taxation. In the present case, however, there was the difficulty—namely, that thousands had entered those societies under the impression that they would have no taxes to pay on the little property which they would acquire, and he thought that nothing could tend more to improve the condition of the artisan classes of society than to offer every facility to a great number of persons in the receipt of weekly wages to save those wages and invest them in houses or land.

Clause *withdrawn;* Preamble *agreed to.*

House resumed. Bill *reported* without Amendment.

LEASES AND SALES OF SETTLED ESTATE BILL.

Order for Second Reading read.

The SOLICITOR GENERAL, in moving the second reading of the Bill, said its object was to prevent the necessity of applying to Parliament in certain cases where parties were desirous of granting leases, effecting sales, or performing other acts not provided for in the deeds under which they took title. Some apprehensions had been expressed lest the Bill would allow that to be done which Parliament had before refused to allow, and in particular the case of Hampstead Heath enclosure had been referred to. Such an intention had not existed in the minds of the framers of the Bill, but, in order to satisfy those who did apprehend such a consequence, a clause had been prepared, which prohibited application being made under the Act to the Court of Chancery in cases where applications had already been made unsuccessfully to Parliament. A new clause was also introduced in order to insure publicity to the applications to be made under the Act.

Lord SEYMOUR said, he thought the Bill was too important to be hurriedly dealt with. It took all power in cases of settled estates away from Parliament, and transferred it to the Court of Chancery. He should move as an Amendment, that the Bill be referred to a Select Committee.

Mr. HENLEY said, he doubted whether the clause proposed to guard against a renewal in other shapes of unsuccessful applications would have the effect which was intended. In the case of Hampstead Heath he believed that it was always denied that any enclosure was intended, and upon that statement the power sought might be obtained from the Court of Chancery. A clause was proposed to insure publicity; but if publicity was required, surely that was an additional reason why the jurisdiction should not be transferred from Parliament to the Court of Chancery. He quite agreed with the noble Lord the Member for Totness, that the Bill ought to be sent to a Select Committee, for in its present shape he did not like it at all.

Bill read 2°, and *committed* to a Select Committee.

COURT OF JUDICATURE (PRINCE OF WALES ISLAND) BILL.

Order for Second Reading read.

Sir JAMES HOGG said, he was surprised that the Bill should be pressed so soon, as it had only just been introduced. These Courts no doubt required reform, but the Court of Directors were in communication with the Government upon the subject. The point in contention was, that the Directors contended that the opinion of the Legislative Council of India should be taken upon the question, or at all events let the opinion of the Government of India be taken. But the right hon. Gentleman the President of the Board of Control wanted to hurry through the Bill without waiting for the opinion of the Indian Government or deferring to the opinion of the Court of Directors. Was it fair to press the second reading two days after the Bill had been presented, and while a Motion for papers on the subject was pending? If the Bill passed there would be another Bill next Session to remedy the bungling of the present one.

Sir ERSKINE PERRY said, he had to offer some objections of the hon. Baronet's remarks. The subject had been pressed upon the Court of Directors for a quarter of a century past, and the library teemed with information about it. The Court of Directors had for twenty-four years been pressed to remedy the grievance complained of, but the remedy had not been applied. The grievance was, that the people of the island, including the great seaport of Singapore, were without a resident legal judge, and without a proper system of judicature. The local Legislature had wished to remedy the evil, and the present measure afforded it only too tardily. He trusted, therefore, that the House would assent to the second reading of the Bill.

Mr. VERNON SMITH said, he must deny the charge of having hurried the measure. The hon. Baronet the Member for Honiton had been well aware that it was to be introduced. As to the papers, the moment they were moved for he had assented to their production, and they could not at all assist the House in determining the question.

Bill read 2°.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, July 17, 1855.

Minutes.] Public Bills.—1ª Merchant Shipping Act Amendment; Turnpike Acts Continuance; Turnpike Trusts Arrangement; Militia Officers' Qualifications; Lunatic Asylums (Ireland).

2ª Public Libraries and Museums; Burials; Lady Raglan's and Lord Raglan's Annuities; Turnpike Acts Continuance (Ireland); Coal Mines Inspection.

BILLS OF EXCHANGE AND PROMISSORY NOTES BILL.

Lord BROUGHAM, in moving that the House go into Committee upon this Bill, said, it contained a portion only of the provisions of a measure which had twice received their Lordships assent. Its object was to give summary process to creditors upon bills of exchange and promissory notes. At present a creditor could only enforce payment after the delay and expense of an action, before the termination of which the debtor might become insolvent, in which case the creditor would only come in with the rest of the creditors; and the object of the measure was to assimilate the law of England in this respect to what he believed was the law of every other country in Europe. The Bill on this subject, which had been sent down to the other House last Session, was not passed. He thought that Bill was more complete than the present one; but at that late period of the Session he would not expose the Bill to the risk of being rejected by those who were adverse to all measures of this kind, when it went back to the other House, by proposing any addition to it in Committee. He would, however, at a future stage, move some Amendments, without any expectation that they would be adopted, but only to show that he abided by his preference for the original measure.

House in Committee; Bill *reported*, without Amendment; and to be read 3ª on *Thursday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, July 17, 1855.

Minutes.] Public Bills.—1° Nuisances Removal, &c. (Ireland); Incumbered Estates (Ireland) Acts Continuance; Convention with United States.

3° Treasurers of Counties (Ireland); Lunatic Asylums and Regulations Acts Amendment; Sale of Spirits (Ireland).

LONDON WRIT—BARON DE ROTHSCHILD.

Mr. WALPOLE brought up the Report of the Committee appointed to inquire into the nature of the contract entered into between Baron Lionel de Rothschild and Her Majesty's Government as respected the loan of 16,000,000*l.*, with a view of ascertaining whether Baron de Rothschild had vacated his seat as Member for the City of London in consequence thereof. The clerk at the table read the Report, which stated that in the opinion of the Committee Baron de Rothschild had not entered into a contract within the intent and meaning of the Act.

THE DANUBIAN PRINCIPALITIES—QUESTION.

Mr. LAYARD: I wish, Sir, to ask a question of the noble Lord at the head of Her Majesty's Government, of which I have not given him notice. If, therefore, it is inconvenient for him to answer it now, I will repeat the question on some other occasion. A document has appeared in the public prints purporting to be the declaration of the Austrian Government to the Diet at Frankfort. It is there stated that Austria looks upon the first two points as completely settled at the Conferences of Vienna, and declares she will occupy the Principalities until peace is accomplished; and I understand there is a Commission now sitting at Vienna for the purpose of framing a constitution or some form of Government for the Danubian Principalities. I wish to know whether that statement is correct, and whether there has been any protest by Her Majesty's Government or Lord Clarendon against any arrangement being come to at Vienna on the part of a number of Moldavian and Wallachian gentlemen; and, if so, whether a copy of that protest can be laid on the table of the House?

Viscount PALMERSTON: Sir, I have not seen the papers to which the hon. Member refers, but I think I can answer his question. Certain arrangements were provisionally agreed to at the Vienna Conferences, with the clear understanding that they were parts of the whole, and Her Majesty's Government consider themselves free as regards the parts until the whole shall be settled, although, of course, we shall adhere to the principles on which the Four Points were founded. The treaty arrangements were only provisionally agreed to, and the two Governments of France and England must be free when they come to enter again into negotiations with regard to any arrangements to be made on those points. With respect to the intentions of Austria with regard to the occupation of the Principalities, the hon. Member and the House know that Austria has engaged by treaty with Turkey to defend the Principalities from any attack by Russia; therefore the occupation, whatever it be, can only be for the purpose of preventing any new invasion of the Principalities by Russia. As to any Commission sitting at Vienna, I am wholly ignorant of it. It is obvious that no Commission can be sitting with authority at Vienna, because the parties between whom arrangements for a peace should be made are the parties who would have to contract a treaty of peace—namely, Turkey, England, and France, on the one hand, with Austria, so far as she has entered into engagements, and Russia on the other. As to any protest against arrangements provisionally entered into, I am not aware that any has been made.

THE ARMY IN THE CRIMEA—SEBASTOPOL COMMITTEE.

Mr. ROEBUCK: I now rise, Sir, to move the Resolution of which I have given notice. It is with the utmost sincerity I say I view with alarm my own position. A great question is now to be submitted to the House, and he who has to submit it is totally inadequate to the performance of the task. But, Sir, feeling strongly as to the truth of the proposition which I have to submit, I will shortly address myself to the subject now before the House. I will first beg to call to the recollection of the House the circumstances under which the Committee was appointed, which has led to the Report which, in fact, is the foundation of my proposition. A great army was sent from this country on an expedition about which the country was in profound darkness. That army was composed of as gallant spirits as ever left the shores of England. They displayed a valour which did honour to Englishmen, and, in saying that, I think I say all that can be said in praise of them. That army reached its destination, and immediately there grew up and pervaded the public mind rumours of disasters, distress, and suffering, which harrowed the feelings of the nation. These accounts and rumours came not in consequence of official documents, but from private sources. From day to day the public mind was harassed by dreadful disclosures of distress and suffering borne by our gallant countrymen whom we had sent to fight the battle of England. Great was the alarm throughout the country, and great was the disappointment which pervaded the community. Fortified by the public anxiety, and being myself deeply impressed with the feeling of my countrymen—strongly commiserating the misery of which we heard from day to day most harrowing descriptions—I gave notice, although most unequal to the task, of a Motion for an inquiry into the truth of these reports. How that Motion was met must be in the recollection of the House.

The Committee which I asked for was appointed. I hope the House will permit me to say, and not think me presuming when I do say, I am deeply sensible of the great kindness of that Committee towards myself. In prosecuting this inquiry we only twice came to a division in that Committee—once on the proposition of the right hon. Baronet the Member for Droitwich (Sir J. Pakington) to make the Committee a Secret Committee, and the second time on a proposition I made on the conclusion of our labours with reference to the Report. The Committee conducted its proceedings in the most frank and, I think, too, in the most generous manner. Their object was the truth, and, however humble and unfitted I may have been to conduct that inquiry, I must say no body of men could have manifested a more candid desire than they did to elicit the truth, which it was their sole object to obtain, without the slightest intention of creating individual pain, or casting unjust reflections on any one. That Committee came to a conclusion, and that conclusion was to substantiate to the letter every Report that had been circulated concerning the sufferings of our army in the Crimea. I proposed at the close of the Committee a Resolution, which was supported by the majority, I giving the casting vote; but, Sir, I do not think I am disclosing anything which ought not to be told, when I say that the noble Lord the Member for Totness (Lord Seymour)—to whom the country and the Committee are deeply indebted, and none more deeply than myself for the kindness and consideration which he manifested throughout—that noble Lord, when I proposed the Resolution, said, in the Resolutions passed by the Committee, he concurred, but as the Resolutions, with that which I proposed, were submitted as a whole, and as my Resolution contained a condemnation of the conduct of Lord Raglan, he could not vote for any part thereof, although he coincided, in a great measure, with the propositions made at that time. Thus, in reality, the Report of the Committee was not carried solely by my casting vote, but must be considered as the opinions of the Committee as a body. In mentioning Lord Raglan, I hope the House will allow me to express my sincere opinion, seeing that the world believes that I have done that gallant spirit some wrong. Sir, were he alive I would not venture to address this House upon this subject, but, as he is no more, I think I am bound, as an Englishman and an honest man, to express my sentiments regarding that gallant nobleman. That he was a great soldier—that he was endowed with great qualities—that he did good service to his country—and that he has died in her service—are the recollections which hallow his name in the minds of his countrymen, and which compel me not unwillingly to offer this humble tribute to his memory.

Having said thus much, Sir, I hope the House will now allow me to pursue the thread of my discourse. The Committee came to a definite conclusion, and that conclusion was one which directly inculpated the Members of Lord Aberdeen's Government. Perhaps the House will allow me to read the Resolution of the Committee upon that matter, and, as it would seem to depend upon my casting vote, I beg that attention which the Report of a Committee always receives at the hands of the House itself—

> "It appears that the sufferings of the army resulted mainly from the circumstances in which the expedition to the Crimea was undertaken and executed. The Administration which ordered that expedition had no adequate information as to the amount of force in the Crimea or Sebastopol. They were not acquainted with the strength of the fortresses to be attacked, or with the resources of the country to be invaded. They hoped and expected that the expedition would be immediately successful, and, as they did not foresee the probability of a protracted struggle, they made no provision for a winter campaign. What was planned and undertaken without sufficient information was conducted without sufficient care or forethought. This conduct on the part of the Administration was the first and chief cause of the calamities which befel our army."

Now, Sir, when a Committee of the House of Commons thus solemnly appointed—appointed, too, by an overwhelming majority of the House—comes to so definite and so pointed a conclusion respecting the Members of the Administration which determined on sending forth that expedition, I think that, as Chairman of that Committee, it is incumbent on me to submit that Resolution to the House; and that to leave it there as a mere *brutum fulmen*, to be satisfied with the retirement of Lord Aberdeen and the Duke of Newcastle—for that was the result—is, I think, totally inadequate to the occasion. The Committee solemnly inquiring, came to the conclusion that the whole Cabinet were included in that condemnation, and I am now about to call upon the House to vindicate their Committee, and to say that the whole Cabinet were deserving of censure.

Sir, I shall divide the Cabinet of Lord Aberdeen into three separate parts. In the first division I class those who were excluded by the Resolution of this House appointing the Committee—namely, Lord Aberdeen and the Duke of Newcastle; in the second division I include those who may be considered the important Members of that Cabinet; the Members I mean are the noble Lord at the head of the present Administration, then Home Secretary; the noble Lord the Member for the City of London (Lord J. Russell); the right hon. Gentleman the Member for Carlisle (Sir J. Graham); the then Chancellor of the Exchequer (Mr. Gladstone); and the right hon. Gentleman the Member for South Wiltshire (Mr. Sidney Herbert). All the rest of the Cabinet I consider as the mere herd. They followed where others led; they were like sheep, they went in the track of the one who went before them; but their insignificance ought no to shelter them. ["Oh, oh!"] That they were insignificant I admit. But that insignificance is no plea against the condemnation of this House. They lent such authority as they had to the determination of the Administration, and they gave their voice, if they did nothing more. That was the support which the Government expected from them, and they received it. But, Sir, I say that those who follow Ministers in the wrong must follow them in the condemnation with which the House will visit their superiors, and partake of their shame.

Now, this being my case, it has been, or may be objected that the Resolution which I shall propose to this House is of too sweeping a character—that it would be a general ostracism of every man of mark on this side of the House. Is that my fault? Did I put them in the wrong? Did I commit the errors for which I now ask the House to administer the punishment? I did not the wrong; and if there be anybody to blame for the ostracism of every man of mark, it is themselves, and themselves alone. Sir, I acknowledge the fact, and I am sorry to say that the arrow which I direct will, if it go true, strike almost every man of mark among them; but it is because almost every man of mark has been in error, and not because I direct the attention of the House to that to which I ought not to direct it. They did the wrong, and I ask the House to punish that wrong. Am I to be blamed for the errors which they committed? I leave the House to determine. Now, Sir, I will read the propositions which I have to maintain to the House; my memory is not a very strong one, and therefore the House will, perhaps, pardon me that I refer to my memorandum. My propositions are—

> "1. That when war was imminent they made no preparations to meet a contingency which they must have known was certain. 2. That after war was declared, and before the expedition to the Crimea was undertaken, they took no steps to provide a reserve of force for the army they were about to employ on that expedition, that army being originally in numbers inadequate to the task which was imposed on it. 3. That they intrusted the management of the war to persons whom many Members of the Cabinet believed utterly incapable of performing the task assigned to them. 4. That they ordered the expedition to the Crimea without having taken sufficient steps to obtain information as to the forces by which the Crimea was defended, as to the resources of the country they were about to invade, and as to the conduct to be pursued when the army reached the Crimea. 5. That no adequate preparation of means was made by them for the use of the army, so that the object of the invasion could be attained; the preparation of sea and land transport was insufficient for the wants of that army; the consequence of which wants was that the army had to encounter unparalleled hardships and all its prowess was rendered comparatively of no avail, as the army was unable to move as the exigencies of the war demanded; and 6, that as no proper provision was made for the army while actively employed, so the proper means were not taken to provide due medical attendance and comfort for the sick and wounded of the army. The medical provision for the wants of the army on the field, the hospitals provided for the sick and wounded were alike incomplete and insufficient; the want of provision on this head being a disgrace to every person whose duty it was to watch over and provide for the wants of the army."

That, Sir, is the indictment which I have to bring against the Administration; that indictment is, I think, supported by every tittle of evidence that has been given before the Sebastopol Committee, and it is supported by the Report of that Committee. I appeal to that Report because I want the support of the Members of the Committee. My first proposition is—

> "That, when war was imminent, they made no preparations to meet a contingency which they must have known was certain."

I beg leave here to remark that this Report was drawn up by the noble Lord the Member for Totness, and what says the Committee on this point? The House will excuse me for what I am about to read, as I do it in self-defence. It is said that I proposed a Resolution at the end of the proceedings of that Committee which had only in its support my own casting vote; now, I will ask the House when I read the Resolutions which were agreed to unanimously by that Committee, which were penned by the noble Lord the Member for Totness, I ask the House what is the difference between my Resolution and those prepared by the noble Lord? In page 4, of the Report under the head of "The conduct of the departments both at home and abroad whose duty it is best to minister to the wants of the army," there appeared these words:

> "The Cabinet appear to have been confident of success. Lord Aberdeen states it to have been their impression that Sebastopol would fall almost immediately by a *coup de main.* The Duke of Newcastle says that he expected the army, after capturing Sebastopol, would winter there, or else after destroying the fortress, would return to winter on the shores of the Bosphorus. Sir James Graham has the strongest opinion that the order for the expedition was given at the right time, and was executed at the right time. This Report shows the results which ensued upon the frustration of these expectations. Your Committee have inquired what information the Government had obtained which induced them to order this expedition. In regard to this matter, it may be observed that the Duke of Newcastle had, in his despatch of the 10th of April, estimated the Russian forces in the Crimea at 30,000 men, and he believes that when the expedition was ordered no more reliable accounts had been received. Sir James Graham says, however, that at a later period—namely, the last week in July—he had obtained from a Crimean authority a complete account of the Crimea, its localities, its harbours, its roads, its productions, and supply of water, and, what was most important of all, a statement of the force, which was estimated by his informant at 70,000 men, 8,000 of which were cavalry, 40,000 constituted the garrison of Sebastopol, and the remaining 30,000 were dispersed through the Crimea.' Vice-Admiral Dundas had on the 10th of May, 1854, written to Lord Raglan a letter in which, relying upon information which he had obtained, he estimated the Russian forces in the Crimea at 120,000 men. The embassies at St. Petersburg and Constantinople were unable to furnish any information upon these important subjects."

It is due to the gallant Lord to have this statement made, to show that he was opposed to the policy, and that the only persons really responsible for the expedition are the Administration who had the management of it:—

> "Lord Raglan, in his despatch of the 19th of July, states that 'the descent on the Crimea is decided upon more in deference to the views of the British Government than to any information in the possession of the naval and military authorities, either as to the extent of the enemy's forces or to their state of preparation."

Now, Sir, I simply repeat what has been told to me, and I hardly think that I should be violating any confidence if I mentioned my authority, but I will not state it, although I dare say that it is known to the right hon. Gentleman (Sir J. Graham). I am informed that the authority on which he relied wrote to him a letter, stating that he had been in the Crimea only once, that he spoke upon information gained upon the most cursory travelling through the country, and that what the right hon. Gentleman called "a Crimean authority," was a person who had only been there a few days. Observe, I speak upon authority, and I see a right hon. Gentleman opposite who, I think, knows the authority upon which I speak, because he stated to him exactly what he stated to me.

Now, Sir, I come to a part of the matter which affects the noble Lord at the head of the present Administration. He was at that time Home Secretary. Under his command was the militia of this country; and I state that, after war was declared, and before the expedition to the Crimea was undertaken, the Administration took no steps to provide a reserve of force for the army which they were about to employ on that expedition, that army being originally in numbers inadequate to the task which was imposed on it. Now, Sir, I charge that against the noble Lord, and I charge it as a great error and no more; but an error may lead to great mischief, and I think that it has done so in the case of the noble Lord. He took no provision in respect to the militia. The army was sent out totally inadequate, as the right hon. Gentleman the Member for Carlisle himself admits. He believes that the army of Russia amounted to 70,000 men, and we sent to the Crimea, at the utmost, 25,000 men. [Mr. GLADSTONE: You forget the allies.] I was speaking of the British army only; but the allies and we together sent a force of 50,000 men. Now, at that time, the right hon. Gentleman believed that 70,000 men belonging to the Russian army were in the Crimea. Vice Admiral Dundas believed that there were 150,000 men there, yet we despatched an army of 25,000 men, aided by a smaller army of French, to invade the Crimea, and at that time the noble Lord who was at the head of the militia took no steps to provide a reserve by means of the militia of this country. Again, I appeal to the Report of the Sebastopol Committee:—

> "From the 16th of September, when the army landed in the Crimea, until the end of October, or, as some witnesses state, until about the middle of November, the troops suffered from overwork and from dysentery."

Now, the statement that the troops suffered from overwork, means that their numbers were insufficient, and every witness who came before us—I appeal to the Members of the Committee for the truth of what I state—generals, captains, privates—all concurred in stating that the men were overworked. They went to the trenches for twenty-four hours at a time —I am understating it. If there had been more troops their work would have been less; and, what was more than all, had an adequate provision been made of labour in the Crimea, that seven miles at the end of the 3,000 would not have stood in the way like a great chasm to prevent the arrival of all support and sustenance from this country. I heard the right hon. Gentleman the Member for South Wiltshire (Mr. Sidney Herbert), when upon the Treasury bench, say that the whole distance between us and the army was 3,006 miles, but that the last six presented an insuperable difficulty. Why, at that time there was there, upon that six miles, the means of making a road the most complete that nature offered; there were faggots in abundance, as well as "metalling" —in the phraseology of road-making, limestone. All that was required were stout yeomen arms. Those arms were not provided; and at whose door shall we lay the fault? Clearly at the door of the Administration which sent an army to do a deed which no army could do thus hampered, thus ill provided, thus "cabined, cribbed, confined." Why, Sir, if they had had 20,000 labourers, could they not have made that road in a fortnight, and should we have heard the harrowing descriptions which we have heard of the misery and sufferings of our gallant troops upon that occasion? Not at all. Well, then, I say that upon the Administration, and upon them alone, rests the responsibility that our army was totally unprovided, that they were inadequate to the occasion, that we sent a force to perform a deed which was totally unequal to the office, and that, instead of sitting in anxious conference endeavouring to supply the want which their own carelessness created.

Parliament separated in August, and there was no Cabinet Council till the middle of October. The noble Lord the Member for the City of London (Lord J. Russell) was instructing the population of Gloucestershire, I believe, by certain lectures; the right hon. Gentleman the head of the Board of Works (Sir W. Molesworth) was shining somewhere in Scotland; and, in fact, with the exception of the Duke of Newcastle and the right hon. Gentleman the Member for South Wiltshire, and, I believe, the Earl of Aberdeen—[An Hon. MEMBER.—The Earl of Clarendon.] I am not quite so sure about the Earl of Clarendon; but, with those exceptions, all were taking their pleasure from the end of August till the middle of October. [Mr. GLADSTONE.—Quite untrue.] However, there was no Cabinet Council during the whole of that period. The Duke of Newcastle stated before the Committee that he was in London all that time; and I believe that the then First Lord of the Admiralty was also at his post; but they are now out of office—they have received their punishment. The persons whom I wish to visit are now in office, because they were at that time indulging themselves, and were not looking after their duty. The noble Lord at the head of the present Administration, where was he? The noble Lord the Member for the City of London, where was he? The right hon. Gentleman the Home Secretary, where was he? The right hon. Gentleman the President of the Board of Works, where was he? Why, I could go through the list; and I ask, why was there no Cabinet Council during all that time? In that interval, be it remembered, the Battle of the Alma was fought—the expedition to the Crimea was determined on and executed. You may tell me that the expedition was determined on before; then, why were you not in London to receive intelligence as to the mode in which it was executed? Why were you not at your posts? The army dwindled away; cold, hunger, tempest came upon them. You were not at your posts to minister to their wants, and I ask the House to visit with severe reprehension the men who so far forgot their duties. Now, Sir, it is in evidence that the sufferings of the army were not attributable to the army itself; that they were not attributable even to the Governors, I mean the generals of that army; but they must have had a cause, and it is for us to inquire what was that cause. The cause, Sir, was that the army was not adequately provided for the operations which they had to perform. They were thrown upon the shores of the Crimea without the means of transport, and although we had command of the sea, and could convey to the shores of the Crimea everything that England or the world could offer, yet our troops died six miles from the shore because there was not an adequate road provided by this great country for conveying provisions and necessaries to its army. Can any one believe, Sir, if we had had a man at the head of the Cabinet, or in the Cabinet, who had the spirit in him which this country furnishes, I would say, to the humblest of her sons, with the means which this country affords of performing everything which human art or science can accomplish — can any one believe, I ask, that seven miles of mud should stand between us and as gallant an army as ever left the shores of England? We let them die like sheep. They suffered under single canvas—there was no opportunity of taking them huts to cover them — cold, rain, snow, tempest beat upon their heads; and the Government of Her Majesty were indulging their ease while those gallant men were enduring such extremes of suffering.

Now, Sir, I ask are we, the representatives of the people of England, to stand idly by and witness such a dereliction of duty? The thought is monstrous — it makes my blood boil. The Government sent forth a body of men to fight the battles of their country, and they sent them armed as troops were armed thirty years ago, notwithstanding all that art has accomplished during the interval. [Sir DE LACY EVANS.—Some—not all.] I am glad that the hon. and gallant General, who knows so well the sufferings of the army to which he was attached, should correct me if I exaggerate; but evidence was given before the Committee that the weapon which is popularly known as "Brown Bess" was in the hands of many regiments before Sebastopol, and assuming one-fourth of the army to have been thus armed [Sir DE LACY EVANS.—Only one-fifth.] — well, one-fifth; but I say that even if one man was improperly armed, it is the fault of the Administration, and the man so armed was a sacrifice to the want of care, diligence, and foresight on the part of those to whom the conduct of the war was intrusted. I say that it is only proper that this House should visit with severe reprehension persons who so carelessly discharged their duties. Now that was not all, for with regard to medical stores, that army should never have been sent to the Crimea unprepared with them, even if the troops were in health to perform their duty; but before the army left Varna disease, in the shape of cholera, attacked it, and then, surely, it was the duty of the Government to provide for it everything which the medical science of this country could afford. What was the description given to the Committee of the wretchedness endured by the troops before Sebastopol? They were described as broken down by disease — disease more potent than the enemy; they slept under single canvas, their legs up to their knees in mud; they were rained upon when suffering all the horrors of diarrhœa; and all the other miseries to which poor human nature is subject were experienced by that army. Was the army, then, properly provided with medical means? I say they were not. And upon whose head must be charged the mischief which I am now describing? I say, upon the Administration.

I now, however, come to a part of the subject upon which I can hardly touch without indignation, for it is said that the Committee has already performed that for which it was appointed. It is said that it has got rid of all the enemies in the Administration, of those who were the cause of the mischief. Now, Sir, for my own part, I am very far from believing that such is the case. It is said you have turned out Lord Aberdeen, the Duke of Newcastle, and the right hon. Members for Carlisle, the University of Oxford, and South Wiltshire, and what more do you expect? Do you want to see everybody punished? I, Sir, say, Yes; I want to see everybody punished who deserves it. I think that that argument is unfair to those who were more immediately connected with the conduct of the war. Perhaps, Sir, I may be permitted to say—and I say it in no spirit of presumption—that I think the Duke of Newcastle has been made a scapegoat, that he has been sent into the wilderness with the sins of the Administration on his head. I think that if ever there was a man who really discharged his duty conscientiously, that man was the Duke of Newcastle. He acted according to the best of his ability; he was always at his post; and he was ever intent upon the honour of England and the welfare of the army which was submitted to his care. I say, therefore, Sir, that to throw all the blame upon the Duke of Newcastle, and to make his retirement from office a sufficient holocaust to the anger of England, is an act of injustice to which I will not consent to be a party. I say the same, also, with regard to the right hon. Member for South Wiltshire (Mr. S. Herbert). No man could have been more intent than that right hon. Gentleman had always been upon the honour of his country, and on performing the duties of his office. I do not mean to say that he did not often do wrong. I think he did; but then I draw the distinction between him and other Members of the Administration, that he was conscientiously endeavouring to perform his duty and was always at his post, and his kindliness of spirit was always pervading the office to which he belonged. I say that that right hon. Gentleman and the Duke of Newcastle acted to the best of their abilities for the welfare of England, and that they should be offered up as a sacrifice for the sins of the rest of the Administration is an act of injustice which I think that this House cannot but disapprove, when there are those who have done the injury still holding the seals of power, while the least guilty have gone out of office. With regard to the right hon. Gentleman the late First Lord of the Admiralty (Sir J. Graham) I hope he will excuse me saying that I think he made some serious mistakes. I think he made a grave mistake in building large ships of war, when, in my opinion, he ought to have built marine batteries of small vessels, but at the same time there was about him a desire to do his duty, which does not appear to me to have been evinced by the other Members of the Administration. Therefore, that these people should be out is to me no satisfaction. I am rejoiced that any man who did wrong is out, but that is not enough. I want all who have done wrong to be out. I may be wrong in that wish of mine, but it is one in which I hope the House will coincide. As I said at the commencement, this is a grave subject that requires strength beyond mine to carry it properly through; but I am buoyed up by the greatness of the occasion, and the feeble body is borne up by the indignant spirit within me. I have seen a great army of Englishmen falling away and melting to destruction; and I have seen that, in consequence of the errors and supineness of the Administration. I have seen those persons come back to office wholly unstained even by public opinion, and not stricken by the opinion of this House. It is now manifest that the Administration which I wish to censure have been guilty of wrong, and whether the result of carrying my Resolution be to transfer power from one to the other side of the House is to me a matter of total indifference. All that I wish for is justice; all that I desire is to see that we shall never again be in the position of calling on a body of our brave fellow-countrymen, and at the same time sit here night after night faced by a body of men by whose supineness and errors they are being consigned to an untimely grave. In this spirit I have moved the Resolution which I now, Sir, place in your hands. I am aware that I have inadequately performed the duty which I have undertaken, but I have done so to the best of my ability, and I now leave the question to the decision of the House.

MR. HADFIELD seconded the Motion.

Motion made, and Question proposed—

"That this House, deeply lamenting the sufferings of our Army during the Winter Campaign in the Crimea, and coinciding with the Resolution of their Committee, that the conduct of the Administration was the first and chief cause of the calamities which befel that Army, do hereby visit with severe reprehension every Member of that Cabinet whose Counsels led to such disastrous results."

GENERAL PEEL: Sir, in moving the previous question, I would observe that the Resolution which the hon. and learned Member for Sheffield has placed in your hands, in the first place, calls upon this House to express a deep feeling of regret at the sufferings of our army during the winter campaign in the Crimea. To that portion of the Resolution I am sure that every Member of this House will cordially assent, and, I think, would also be willing to add some expression of admiration for the fortitude which that army displayed during all its privations. The Resolution, however, goes on to say that the House, coinciding with the Resolution of their Committee, that the conduct of the Administration was the first and chief cause of the calamities which befell that army, do hereby visit with severe reprehension every Member of that Cabinet whose counsels led to such disastrous results. Before the House consents to agree to that Resolution, it ought to consider what are the principal considerations which it embodies. Now, Sir, I think that, if the words of the Resolution convey any meaning at all, that meaning is an expression condemnatory of the policy of the expedition to the Crimea. Now I, for one, am not prepared to come to that conclusion, or to condemn the policy of that expedition. I voted against that Resolution in the Committee, and I certainly am not prepared to adopt it now. It is perfectly true that little was known of the state of the Russian army, or of the Russian fortresses in the Crimea; but if no expedition was to be undertaken until full and accurate information on these points was obtained, I venture to say that the allied armies would have attempted nothing at all against a country so situated as Russia. No great object can be gained without running some risk it its attainment. The best test, however, of the expedition to the Crimea is, that there was a better chance of success on the first landing of the army than there has ever been since; that is, there was a better chance of taking Sebastopol by a *coup de main*—a sudden assault—than by a protracted siege or campaign in the field. There is another point to be considered, and that is, the state of the allied armies at that time. They had been depressed by sickness and inaction, and it was absolutely necessary that some means should be resorted to in order to restore their spirits. Above all, however, the state of public feeling at home must be looked to. Throughout this country there was a general opinion that some blow ought to be struck; and, I will venture to say, that if nothing had been attempted we should have been called upon to condemn the Government for not doing that which we are now asked to pass a vote of censure upon them for doing. But, independently of the policy of sending our army to the Crimea, the hon. and learned Gentleman has made great complaints that the army, upon its arrival there, was not provided with sufficient land transport. Now, I speak with great deference in the presence of the hon. and gallant General, (Sir De Lacy Evans), but I do not concur in the blame cast upon the authorities in this respect. I believe the great object of the expedition to the Crimea was to land, in the first instance, the greatest possible number of combatants; and, even if we could have had greater naval transport at our command, it would have been far better to employ it in conveying more troops and more cavalry than in supplying the means of land transport in the first instance. It has always appeared to me that the reason the army did not advance immediately after the battle of the Alma was not from the want of land transport, but from the necessity of protecting the wounded; and I have little doubt that if the forces of the allies had been enabled to have advanced at once the result of that glorious battle would have been the immediate fall of Sebastopol. That, however, is a point on which I think neither the hon. and learned Member nor myself are competent judges. Well, although I do not blame the policy of the expedition to the Crimea, I must say, that I cannot observe in it any of that sagacity which the hon. and gallant Member for Cambridge (Colonel Adair) refers to in his Resolution. It is quite evident that the Government looked forward to only one result of the expedition, and that a successful one. It was not until after the 18th of October that the failure of the allied armies to produce the anticipated result first opened the eyes of the commanders to the fact that a long and protracted siege would be necessary, and not only to that fact, but to the still more lamentable one that if they could not succeed in their enterprise, neither could they withdraw. The allied armies were forced to encounter a winter in the Crimea, and that they were subjected to the misfortunes which consequently befel them was not a matter of policy, but necessity. Then, again, the great cause of these calamities—the cause to which I have ever attributed all the sufferings to which our troops were exposed—was from our having commenced great military operations with inadequate means. Did not the Government, in the first instance, send out a greater army than the reduced state of our establishment permitted of? It is perfectly true that the Duke of Wellington advised this country never to enter into a little war; but even a greater misfortune than entering upon a little war is to enter upon a great war with little means. In the first place, you sent out every available man you could lay your hands upon, having no reserve to fall back on for the supply of those casualties which sickness and engagements with the enemy are sure to entail. I am fully borne out in that description of the state of the army by a paragraph in a memorandum of my right hon. Friend (Mr. Sidney Herbert) the then Secretary at War. That memorandum, which is dated November 17, 1854, has reference to the increase of the army, and this is the description which the right hon. Gentleman gives—

> "England has not usually been very successful at the commencement of her wars, for the reason that she does not in the time of peace maintain an army large enough to be capable of lasting as well as sudden extension. It is possible, as this year has shown, to create, at very short notice, a very efficient and, for us, considerable army; but it is quite another thing to maintain those numbers and that efficiency. The army of the East has been created by discounting the future. Every regiment at home or within reach, and not forming part of that army, has been robbed to complete it; the depôts of the regiments under Lord Raglan have been similarly treated."

I think that fully bears me out in saying that there is no very great proof of sagacity in the policy which sent out so much larger a force than you had reserves to keep up. But, although I think the Government were ill-advised in giving way to the cry raised in this House, throughout the country, and by the press—for it was in this way that the Government were urged on to this undertaking—I will not condemn them on that ground, for I believe their mistakes originated in their desire vigorously to carry on the war, and I infinitely prefer such a determination to the more peaceful spirit which was evinced by some Members of the Cabinet; but you have no doubt placed yourselves in a position from which you cannot recede, and I believe there is not a man in this House who does not wish that every exertion should be made in order to carry out the objects for which our gallant army and that of our brave ally have so nobly fought. I can assure the hon. and learned Gentleman it is from no party motive that I will not agree to his proposition. I have recorded my party predilection by the vote I gave on the Resolution of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) the professed object of which Resolution was to turn out the Government; and I did so, Sir, because I believe the time has arrived when a better, because a stronger, Government could be formed from this (the Opposition) side of the House. But, although entertaining this party feeling, I never will be a party to casting a censure upon honourable men, who, in my belief, have exerted themselves to the utmost of their power in performing the duties of their office. I believe that far too much of this sort of blame has been cast upon individuals in the course of our proceedings in the Committee, and I am certain that some of our best public servants are deeply hurt by the insinuations thrown upon them in the course of that inquiry. I have in my hands a letter from the late Lieutenant General of the Ordnance, an officer whose character is far too high and whose services are too well known to render it necessary for me to dwell upon them. He writes to me to request that I will take any opportunity which the forms of the House admit of to vindicate his character from what appears to him to be an unfair attack. He says—

> "It has caused me considerable annoyance to be exposed to such a charge from so high an authority, (Sebastopol Committee) after a prolonged service in which I have endeavoured faithfully to discharge my duty, and (as I hoped, until now, it was allowed) with credit to myself. After a perusal of the Report I only find one point upon which any ground of censure is directly applied to me, and that is the charge that, 'from the language of Sir Hew Ross, it would seem that he was imperfectly acquainted with the constitution of the Board of which he was a Member.' This I emphatically deny, for I had made myself perfectly acquainted with my duties, both as Lieutenant General and as a Board officer. The difficulties of my position early called my attention to these points, and had the examination been carried further to give me an opportunity of explanation, I should only have illustrated the evidence of Colonel Anson in 1849, which went to prove that though one Board officer may constitute a Board, yet that for all important questions the signature of a second officer is desirable, and in some cases indispensable."

As a Member of the Board of Ordnance for five years, I can state my cordial agreement with the evidence given by the gallant officer. Sir Hew Ross then goes on to say—

> "With regard to the general censure on the Members of the Board, whatever may have been the differences that existed, my conscience acquits me of any 'want of judgment and temper,' and I can with confidence appeal to my colleagues whether, except on the question of discipline in the laboratory, I was involed in any difference with either."

But by far the best testimony that can be borne to the services of Sir Hew Ross is the evidence taken before the Committee as to the state of the artillery sent to the Crimea. It will be remembered that Captain Shakspeare and Viscount Hardinge both spoke in high terms of the state of the artillery, its equipment, and everything belonging to that department; and I have here a letter from Lord Raglan to Sir Hew Ross, dated June 1, 1855, in which he says—

> "I observe that blame is freely thrown upon the Ordnance. Now, my belief is that the Board have done better than any other department. The artillery are well equipped here; the men had what was requisite for them sooner than the rest of the army, and altogether they seem to have done everything that was possible for the service."

But if injustice has been done in the case of those who were present to speak for themselves, what shall be said of those accused behind their backs, and who knew not what were the charges made against them? Too many of these, alas! have been removed from among us, and are indifferent now both to your censure and your praise; but I fear their last moments were embittered by the thought that their services were so little appreciated. The hon. and learned Member (Mr. Roebuck) gave himself credit for great moral courage in the attacks he has made upon everybody. I am perfectly certain that the hon. and learned Gentleman in the attacks which he has made has done nothing but what he considered to be his duty, and I feel assured that in the course which he has taken he thought that he was acting up to the wishes of his constituents and of the country at large. But, depend upon it, the people of this country are too generous and too just to approve, in their calm and sober moments, what is so contrary to the principles of justice. The very Committee that was appointed shrank from such a step, and when the hon. and learned Gentleman proposed a Resolution to condemn the conduct of Lord Raglan he was only enabled to secure the support of one hon. Gentleman. And, suppose that these Resolutions had been carried, what would have been the answer given to them, and how would they have been received by that army now deploring the loss of their chief and perilling their lives before Sebastopol? What would have been their answer to the charge that Lord Raglan had no sympathy with and neglected the men placed under his charge? With the permission of the House, I will read two letters upon this question, not from staff officers, or from men who had any interest or connection with Lord Raglan, but from regimental officers, doing their duty in the trenches. The first is from an officer in the 34th Regiment—a regiment which has suffered as much as any regiment in Her Majesty's service. He says—

> "Poor Lord Raglan died last night very unexpectedly, which has put us all out of spirits, for he was universally liked, and the men would have done anything for him."

Another officer says—

> "By Lord Raglan's death the British army has suffered a greater loss than it has had yet to encounter. Throughout the army, as far as I can hear, there is but one universal expression of regret. If those who have been so lavish of their virulent, scurrilous, and undeserved abuse of poor Lord Raglan will now have the goodness to point out a successor who can efficiently fill his place they would save much trouble."

Why, Sir, I believe there is not a man in the whole army who is not now lamenting the death of Lord Raglan, and I believe that his great anxiety for the army and what he must have suffered from the insinuations and charges which have been made against him may have had the effect of precipitating his end. But, whatever I may feel with regard to the conduct of the Government and with regard to the state of the public departments at the commencement of the war, I cannot but complain of the conduct of this House in constantly interfering with the executive Government and in pressing forward upon every occasion to make attacks upon officers founded solely upon anonymous articles in newspapers. The very idea of an army in the field being accompanied by a host of newspaper reporters, upon whose statements the Government are called upon every day to institute inquiries into the conduct of the men in command of the troops, and who are constantly throwing out insinuations against those who have undertaken the most responsible duties, is most absurd. Well might Sir John Burgoyne say that the expedition to the Crimea was altogether an exceptional case, and I am perfectly satisfied myself that many instances could be given to show that the interference of this House and of the press has had a most injurious effect. I am not one of those who were very sanguine as to the results to be derived from the appointment of the Sebastopol Committee. I always thought it impossible for that Committee to conduct, as it ought to be conducted, such an inquiry as that which was intrusted to them. I admit the great assiduity of the gentlemen who composed the Committee, and their anxious desire to arrive at a just conclusion, but, after all, their labours ended in a vote of censure upon men most of whom had already left office. Under all the circumstances of the case, I think that the wisest thing this House could do would be to adopt the proposal which I have to make to them, and pass on to the previous question. Without looking back to the past further than to take warning from what has occurred, it should be our endeavour to look forward, and with one united heart and voice to carry on the war with that vigour which can alone insure success.

LORD ROBERT CECIL, in seconding the Amendment, said he should offer but very few words of remark to the House. He must, however, point out that there was some inconsistency in the speech of the hon. and learned Gentleman and in the Motion which he had brought forward. The speech of the hon. and learned Gentleman had reference almost entirely to the misdeeds of the present Government, but the words of the Motion covered a much larger ground, and included censure not only on those gentlemen who were now sitting upon the Treasury Bench, but upon a number of gentlemen who left office early in the year. Now, if those right hon. Gentlemen, whatever their errors might have been, wished to know the estimation in which they were held in the House and the country, they had only to go to the speech of the hon. and learned Gentleman himself, for the hon. and learned Gentleman had pointed out in very glowing language the merits of those right hon. Gentlemen. Indeed, the right hon. Member for South Wiltshire (Mr. Sidney Herbert) appeared to be a perfect model statesman, exhibiting in himself the very highest qualities which it was possible to possess. Yet upon this right hon. Gentleman they were now called upon in the terms of the Motion to pass a very severe censure. The speech of the hon. and learned Gentleman was not, therefore, at all in accordance with the terms of his Motion. Any vote of censure which the House could agree to ought to be as plain as possible. If they were to censure a Government for the purpose of depriving it of the means of doing mischief, it was not necessary to cast a slur against the private character of the members of that Government, but if they were to censure the private character of any hon. Member, then they must prove a moral delinquency in the first instance. The gentlemen whom they now proposed to censure were not chargeable with anything more than errors of judgment, and he wished to ask the House if they were prepared to sanction the principle of passing an exceptional and retrospective censure on mere errors of judgment? Were the Ministry now in office the only persons who were chargeable with such errors? He heartily concurred in every word that had fallen from the hon. and gallant Member behind him in reference to the merits of Lord Raglan, but would anybody say that there had been no errors of judgment committed by Lord Raglan, or by any of those officers who had served their country abroad and at home during the present war? Were the House then to be called upon to go through the history of the past nine months for the purpose of picking holes in the conduct of every person who had been concerned in the management of the war? He thought that such a principle of introducing what he might call historical and retrospective motions was much to be deprecated, and if they were to begin with the last nine months, he could not see why they should not go much further back. It had been said by an hon. Member opposite that if the Administration of Lord Derby had not been dismissed millions of money and thousands of lives might have been saved to the country, but if some gentlemen on the Opposition side of the House were to get up and propose a vote of censure upon those who dismissed Lord Derby, the House would think him mad. He could not, however, see the slightest difference between such a Motion and that of the hon. and learned Gentleman, and the House might just as well be called upon to go back to 1846, and censure the conduct of Sir Robert Peel. Entertaining these opinions, he felt bound to second the Amendment of the hon. and gallant Gentleman.

Previous Question proposed, " That that Question be now put."

COLONEL SHAFTO ADAIR said, that, though he had been informed by Mr. Speaker that it would not be competent for him to move the Amendment which he, as an independent Member, had thought it right to place upon the paper, it would be necessary for him to explain the motives which had induced him to take that step. Those motives had been commented upon by the public press, and it had been said that the Amendment had been drawn up with all the skill of an adept in Parliamentary manœuvre, that it must have received the approbation of the Government, and probably had been put forward with the cognisance of the noble Lord (Viscount Palmerston). The object of those remarks was to stamp him, for endeavouring to do his duty as an independent Member, with the brand of a hireling, who was ready at any moment to act upon the bidding of the Government. He told the House, not because he thought they would deem him capable of such conduct, but because he would stand clear before the country upon the matter, that he had had no communication whatever upon the subject with any Member of Her Majesty's Government, and there were but three Members of the House who were cognisant of the terms of the Address he had intended to move, and for which he alone was responsible. Not that he wished to leave the House under the impression that he did not sympathise with Government in the matter. He took that occasion to say that he had had placed at his disposal by the noble Lord—to whom he now begged to express his acknowledgments for it—an office in the Government, upon its formation. It was neither from disinclination to the public service nor aversion to the principles on which the Government was to be conducted that he had declined the offer, but from motives peculiar to himself and his constituents, and because he did not wish that the Government should encounter the risk of defeat in his person. He was one of those who had voted against the Motion for the appointment of the Sebastopol Committee, and that vote he thought had been amply justified by the results. He could not, therefore, vote in favour of the Motion, which the hon. and learned Member for Sheffield brought forward as a natural corollary to that inquiry. No one would suppose that he could be insensible to the fearful sufferings of our gallant countrymen serving in the Crimea, or to the urgent expediency of communicating to the public the earliest intelligence of the measures taken to remedy the disasters that had been brought upon us. But he felt that the proposal for a Committee held out delusive hopes, which could not be realised. The hon. and learned Gentleman levelled his present Motion at the Administration, but its terms covered a larger and wider scope, into which, however, the mover had declined to enter. The hon. and learned Gentleman spoke of the counsels of the Administration; by the terms of the Motion it was proposed that the House should visit with severe reprehension every Member of the Cabinet whose counsels led to such disastrous results. If there was any virtue in the English language, counsels meant something antecedent to the acts which were the subject of discussion, therefore he thought that it was competent to him to introduce into the debate a wider subject of discussion than that contemplated in the Motion. No Member of that House would more readily admit the right that England had to demand an account of the precious blood of her gallant soldiers; but when he was called upon to vote what amounted to an impeachment, he must say that he could not come to such a conclusion upon incomplete evidence. The Committee had declared, on almost every individual head of complaint, their inability to decide where the responsibility rested; but it appeared to him that there were additional means, not touched upon in their Report, of accounting to a considerable extent for the disasters that had befallen our army. First, let it be remembered, the siege of Sebastopol was an era in warfare. No siege had ever before been attempted under similar conditions. He did not allude to the immense collection of stores, ammunition, and other *matériel* in the fortress itself, so much as to the principle upon which the defence had been conducted, which was—and he had the assent of all military men in saying so, without parallel in military annals. It was fortified upon a principle newly introduced, and, except in two or three instances, unknown in Europe. When it was considered that Sebastopol was provided with stores of the magnitude of which no idea had been formed, and for purposes which could only be conjectured: was garrisoned by the picked troops of Russia; and that a large fleet was in the harbour ready to contribute to resist an attack; other reasons than those alleged by the Committee might be supposed to have led to the temporary check which our arms had received. Another point to which he wished to refer, and which brought with it painful recollections, caused him to remark how inadequate all the resources of a well-regulated establishment sometimes were to deal with sudden disaster. He alluded to the painful spectacle which Ireland presented eight years ago, when sudden distress and famine arose there, and how difficult it was found for our administrative system to deal with it. There was also another reason which weighed strongly on his mind. He referred to the system of organisation which was introduced into the army by the Duke of Wellington. When that great commander first went to the Peninsula, his army bore as little resemblance to that which he conducted over the Pyrenees, as the most newly raised regiment did to Her Majesty's Guards. But he adopted a system of organisation, and he did so in intervals of quiet, and when opportunity occurred, and he carried that organisation into every branch of our military system; and he then impressed it with the stamp of his intellect and firm will; and so long as he guided it the system worked well; but, when the power which he gave to it was withdrawn, and a new and unexpected pressure was brought to bear on that machinery, the system failed. It was then seen that the doctrine of responsibility which he rightly infused into the system had taken such entire possession of the mind of all the administrators of the army that it was impossible to obtain independent action on an emergency, and that called forth the remark in the Report of the Sebastopol Committee that—

> "The strict economy enforced during a long period of peace, by means of a rigid system of audit and account, may doubtless, at the first outbreak of war, have still fettered Dr. Smith, as well as other public servants, who dreaded to incur responsibility for any expenditure, however urgent, which was not guarded by all the forms and documents usually required. An excess of caution, in the first instance, led probably to some evils, which a lavish outlay could not afterwards repair."

In that circumstance he found an additional reason for the disasters at Sebastopol. He now came to the question of the Amendment, of which he had given notice. The terms of which were—

> "That the counsels which determined the expedition to the Crimea were consistent with a bold and sagacious policy, just to our Allies, and commensurate with the objects of the war; and, further, that perseverance in a similar policy alone can afford hope of ensuring an honourable and permanent peace."

Reverting to the counsels that determined that expedition to the Crimea, he would ask what were the elements of a bold and sagacious war policy? They were to relieve the territory of our ally, or the country with which we desired to be allied, from the immediate pressure of war; and to carry the war into the enemy's territory as far from his resources as could be done with advantage to ourselves. If that was a sagacious war policy, he thought the House would admit that those conditions had been fulfilled by the arrangements which were made before the expedition to the Crimea. Beginning with a tentative process, protection was in the first instance afforded to the capital of Turkey; advancing further, protection was given to her frontier, and by the carrying out of that war policy all apprehension of an invasion of the territories of our allies by Russia was removed. Then came the question whether a halt should be made there, or whether operations should be undertaken for the purpose of carrying on the war to an effectual termination. Then it was that the expedition to the Crimea was undertaken. With regard to that expedition, we had 50,000 men under arms, not only not inferior to any, but superior to most enemies whom they might meet in conflict. Such a force was no inadequate nucleus for an expedition which was to work its way into the Crimea, and endeavour to bring it under the occupation of the allies. With regard to the check we had received at Sebastopol, there was a work recently published by an hon. Member of that House (Mr. Danby Seymour) which contained a good deal of information about the Crimea, and it appeared that up to 1837 Sebastopol was almost an open town; but when the allies approached it, it had in many respects lost that character. From the evidence of Sir John Burgoyne it appeared that the defence was protracted in consequence of the great extent of the earthworks, and the amount of guns and stores which furnished materials for the batteries; and it was not wonderful, if even that officer of Peninsular experience was deceived by the prospect held out of the fall of Sebastopol, that the Administration itself was not free from error of judgment in the matter. When the allied armies were placed on the shores of the Crimea, they were, throughout the whole of the campaign, supported and assisted in the manner best adapted to the means at the command of the allies—namely, by the military marine of their respective countries. With regard to the disastrous want of communication with the camp and the terrible suffering which arose, a great lesson had been read to the country, and he was not one who would impede investigation into that subject, no matter what heads of departments or what Ministers might be affected; but there must be a clear finding on particular points by the jury appointed to try the issue, and in no sense in which the hon. and learned Member had preferred the indictment before that great Court of appeal did he find those conditions present. It was with that feeling that he placed on the paper an Amendment, which he could not now move in consequence of the Motion made by the hon. and gallant General (General Peel)—a Motion giving to many hon. Members an opportunity of not pronouncing an opinion, and equivalent, if carried, to the verdict of "not proven" in the Scotch Law Courts. He believed, however, that Her Majesty's Ministers would be the last persons to desire to avoid an expression of opinion on the part of the House, and he regretted that the House would not have an opportunity of coming to a decision on his Amendment. Whether that were so or not, he should not shrink from endeavouring to persuade the House to come to a different opinion. He had reason to think that his feeling was partaken by many Members, and he regretted that he should not have an opportunity of taking the sense of the House upon it. He would now turn, in support of the allegation in his Resolution, to the civil or diplomatic policy which distinguished the Administration. What was a sagacious policy in diplomacy? He believed it consisted in the encouragement of our allies, in allowing for the difficult circumstances in which they might be placed, in exhausting every reasonable means of accommodation, and in gaining to our alliance by the justice and moderation of our views those who might be disposed to occupy a neutral position. The documents which had been given to Europe under the signature of Lord Clarendon were distinctly marked by those qualities. He found in them consideration for our allies, a just estimate of their position, a successful endeavour to bring new aids to the standard of the Western Powers, and an effort, continued to the very last, to meet every scruple that could be urged, in the hope of arriving at a satisfactory and honourable peace. It was not his intention to enter into the late negotiations at Vienna; but he trusted that no Ministry would ever consent to a peace which was not based on the principle of limitation. Napoleon confined himself to the land, because a fleet was not necessary to his operations; but it was far different in the case of Russia. A fleet was essential to the success of the Russian armies against Turkey on the one side, or Persia on the other; and it was doubtful whether the Russian troops could have maintained themselves at Adrianople in 1829, if they had not been supported by a fleet in the Black Sea equal to 30,000 men. Moreover, the limitation we asked was a limitation of means of offence, not of those of defence. When the Barrier treaty was forced on the French King, it was a diminution of the means of defence to him, and an increase of the means of offence to his adversary. That was not just; but no such thing was demanded here, and when we asked to deprive Russia of the wings with which she might fly to conquest, we made a very reasonable and moderate request. For it ought never to be forgotten, that the possession of Constantinople by Russia would be, not the goal of an ambition or the completion of a policy, but the commencement of a career. Russia would then revive all that Turkey had ever claimed, and when he considered the impunity which a powerful marine in the Black Sea would give to the Czar in the furtherance of his projects, he should insist on the incorporation into a policy which he had not hesitated to declare to be bold and sagacious, of the principle of limitation. He could support neither the Resolution of the hon. and learned Member for Sheffield, nor the Amendment of the hon. and gallant General opposite, and although he did not possess an exclusive affection for his own Motion, yet he felt that, for the reasons which he had given, he could not vote on the question before the House.

Mr. CONOLLY said, he would take the liberty of telling the hon. and gallant Gentleman that his Amendment had nothing to do with the issue before the House. That issue was one of a far graver character than the hon. and gallant Gentleman's opinion. It was simply and distinctly whether the Ministers, who were the advisers of the Crown, were or were not responsible to the House and the kingdom for the advice they gave to their Sovereign? That was the question before the House; not whether it was right or wrong in the hon. Gentleman's opinion, for a particular line of policy to have been adopted. The policy of going to Sebastopol was not only not before the House, but was distinctly excluded from the consideration of the Select Committee by the Resolution upon which the House agreed to refer the state of the army before Sebastopol to the consideration of that Committee. He told the hon. and gallant Gentleman and the noble Viscount the First Minister of the Crown, who might wish to shelter himself under that Amendment, that the policy of going to Sebastopol had nothing to do with the censure which an indignant nation had a right to pass upon the inadequacy of the means employed for carrying out that policy. The real issue before the House was with reference to the policy which was taken by Her Majesty's Government, whether they had acted with common sense. He would not put it on the ground of duty to the country or the Crown, but would ask—did they act up to common sense in ordering out such an army; and was that army sufficiently equipped to carry out their policy? If they did not, they were open to the severest censure. And if it were shown that the Government had been wanting in those important respects, he should have no hesitation, before God and his country, in recording his vote against them. They were there that night to ascertain whether the means adopted by Her Majesty's Government to check the aggression of Russia, and to destroy Sebastopol, gave a rational hope that they would be sufficient to accomplish their object. If not, again he said the Government were liable to the severest censure, as being accessory to those losses and disasters which had taken place in the Crimea. He considered the House and the country were greatly indebted to the hon. and learned Gentleman (Mr. Roebuck) for the courage he manifested in being the first to ask Parliament to ascertain where the blame rested, and to make Ministers responsible for what had occurred. The House ought to remember with gratitude the courageous conduct of the hon. and learned Gentleman. He would now inquire how far the Report of the Sebastopol Committee exculpated Ministers or otherwise. In that Report there was ample evidence to show that the expedition broke down in consequence of the absence of all the needful elements to secure success. There were no preparations for a winter campaign, and it was as clear as the sun at noon day that the Government were responsible for all the sufferings and calamities which occurred to the army, from want of proper preparation and sufficient information as to the nature of the undertaking the army was required to accomplish. As far as his understanding of the Report went, nothing could be clearer than that Government had not properly fulfilled their duty, and he should, therefore, give his vote in favour of the Motion of the hon. and learned Gentleman. He would conclude by stating as his belief, that our magnificent army was placed on the shores of the Crimea with inadequate means, and with only a bare chance to favour the hope of ultimate success. And if that was not a subject on which Ministers ought to be impeached, then he confessed he was at a loss to understand what plain language meant.

Mr. LOWE said, that when the Sebastopol Committee was nominated, he objected to it on the ground that the investigations upon which it was about to enter would, if they were to be complete, require the examination of witnesses necessarily absent upon the public service, and the raking up of matters which, from motives of public policy, ought not to be gone into; while, if they were to be incomplete, they must be grossly unjust to individuals, and in every respect unsatisfactory. He also objected that the appointment of the Committee would be an inroad upon the stability of the executive Government. He now asked the House whether his objections, which were very ill received at the time, had not been borne out? What did the Committee themselves say as to the result of the labours they had gone through with unexampled industry, in the Report which had been compiled with so much ability by the noble Lord the Member for Totness (Lord Seymour)? They said—

> "The difficulty of this task has been enhanced by the impossibility of summoning some persons as witnesses who might have furnished important information. From the same cause some persons are left under imputations in regard to which your Committee regret that they can pronounce no conclusive opinion. The fulness of the investigation has, moreover, been restricted by considerations of State policy, so that in the outset of this Report, your Committee must admit that they have been compelled to end an inquiry which they have been unable satisfactorily to complete."

He did not mention these things merely to bear out his own views, but because they had the most intimate relation to the vote which the House was that night called upon to give. If the investigation had been as incomplete as the Committee announced; if many most important witnesses had not been examined on account of their necessary absence upon the public service; if many of the witnesses who did appear had not been examined upon several subjects from a proper deference to motives of State policy, he would ask the House, as a collection of English gentlemen required to act in a judicial capacity, whether they could pretend to come to any judgment as to the character and conduct of the meanest of Her Majesty's subjects, much more as to that of a whole Cabinet, upon evidence admitted to be so imperfect and partial? No Judge, no jury, would convict a man of the smallest offence when both sides had not been heard fully and fairly in accusation and defence; and that great assembly, although free from the technical rules by which other tribunals are bound, was not less bound than an assembly of magistrates in petty sessions to act upon the principles of substantial justice. Therefore, even, if the Report clearly made out the case it was meant to support he should contend that the question was not ripe for decision, because many persons had not been heard who might have thrown additional light upon it. He did not rise to make an elaborate speech, as, in his opinion, there was a preliminary objection to going into the evidence at all, because it was not full and complete, and because, although they might fancy they had materials before them which would enable them to arrive at a conclusion, the examination of witnesses who were absent upon the public service and the investigation of topics which were necessarily passed over might have led them to a different conclusion. Being strongly impressed with this opinion, it would be inconsistent in him to attempt to examine the Report to see how far it bore out the vote of censure proposed by the hon. and learned Gentleman. If the Report were ever so much borne out by the evidence, and if the Resolution before the House were ever so much borne out by the Report, although the Report might be a useful compilation for the purpose of affording information to the Government and of influencing their conduct in the management of the war, as a judicial document, as the foundation of a vote of censure, it was utterly worthless. He would not go into the evidence, but would illustrate what he meant by the first proposition adopted by the hon. and learned Member in his Motion, that the sufferings of the army mainly resulted from the campaign in the Crimea, and the circumstances under which the expedition was undertaken and executed. But the fact was, that the sufferings of the army had resulted from a winter campain in the Crimea—and the winter campaign resulted from their inability to take Sebastopol as was hoped—at once. Then, why was it not taken at once? The Government, it was just possible, might have been able to show that this was the fault of the commander of the fleet or the military commander, or of want of concert between the allies—or that it had resulted from other matters; but they could show nothing of the kind, because the men whom it would have been necessary to examine on these points were absent on the public service; and the question of a want of concert between the allies could not have been entertained without destroying the alliance of this country with France. And in justice they ought to have taken all the evidence on this subject before they affixed a stigma to the character of honourable men. He would go one step further than this. He had on a former occasion, said that the Committee must necessarily be most dangerous to the alliance of this country with France. He admitted the discretion and reserve which had been practised by the able men who had conducted the Committee, but, after all the care and caution they had exercised in rejecting questions which would tend to embarrass, what had been the result of their inquiry? Why, the House of Commons was now asked whether it would not pass a vote of censure on the Government of this country and on the Emperor of the French. That was the question they were now invited to argue, and into the details of which, in his opinion, they had better not enter. The question which they were invited to argue was not merely a question as to the conduct and discretion of the English Cabinet, for every censure that was levelled at them was levelled equally at the Emperor of the French, and would be used against him in his own country by those who were ill-disposed to his Government with the same effect as they were used against the Government of this country. Did the House of Commons, then, think that they could maintain, as they all must wish to do, a cordial and sincere alliance with the Emperor of the French if they were to be thus dragging his counsels into the light of day, and making it matter of discussion whether in that enterprise, which had been attended, as was admitted by all, with greater loss and expense than had been expected, his conduct was not liable to the censure amounting, as an hon. Member had said, almost to impeachment, which they were now asked to pass upon the Government of this country? This proved how dangerous the inquiry was to the alliance with France. He had urged the same argument against the Committee when there was much public clamour in its favour, and he had proved right in the end. Was the House of Commons invited to censure the Administration? No; that was not exactly the case, the House was called upon to censure every individual member of the Administration. But, if those two things were the same, what was the use of the altercation? If the hon. and learned Member's premises were to censure the Administration, why did he not make his conclusions the same? That would not have answered the hon. and learned Member's purpose, for the Administration at which his censure was levelled was a thing of the past—it did not wait for the censure of the Committee, but fell before the proposition of censure. But, no doubt, it was a different thing to lay the censure on every single Member of that Administration. Such an ostracism as that and the stigma which would be attached to it, would, indeed, have been a triumph for the hon. and learned Member, and because the Administration, taken as a whole, had failed, therefore the House was invited to censure every individual Member of the Administration, so that such censure might follow him through each succeeding Government to which he might happen to belong. But, where was the present proceeding to stop? If the existing Government were broken up, and another was formed, were the members who had been censured to be still pursued if they belonged to the newly formed Government? How many *bouleversements* and capsizes would satisfy the hon. and learned Member for Sheffield before he would think that he had placed the administration of affairs on a proper and satisfactory footing? They were invited to pursue every individual Member of the Administration with the censure of that House; but who was to do this? Not his (Mr. Lowe's) side of the House, for they had been giving their support to the noble Viscount's Government. They had learnt nothing from the Report of the Committee, for the facts were notorious to all, though not before them in an authentic form, and it was on the facts contained in the document now before the House that the Government of Lord Aberdeen had been ejected from power. As they had censured that Government, the subject was done with; and as they had since been willing to support a Government consisting of so many Members of Lord Aberdeen's Government that they had been taunted by the other side of the House with being the old partners of the new firm, his (Mr. Lowe's) side of the House could not with any regard to consistency censure the individual Members of the present Government. Neither could the other sider side of the House do so, for the adherents of Lord Derby must recollect that, after Lord Aberdeen's Government had been driven from power, three right hon. Gentlemen, who were named in the Report of the Committee, were invited by Lord Derby to become Members of his Administration. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) at that time obtained great and deserved credit, because he consented not to place any obstacle by pressing his own claims in the way of obtaining for Lord Derby's Government the assistance of the three right hon. Gentlemen against whom they now sought to hurl this retrospective censure. He asserted, then, that both sides of the House had precluded themselves from passing the proposed vote of censure, and that, if they were to pass it, they would strike a blow at the French alliance, and they would also commit gross injustice by acting on imperfect evidence. He regretted, as the previous question had been moved, that it was not competent for the House to meet the Motion of the hon. and learned Member with a direct negative.

THE MARQUESS OF GRANBY said, he wished briefly to state the grounds of the vote which he should give on the present occasion. He thought it was impossible to deny many of the statements made by the hon. and learned Member for Sheffield. They must all have felt that what the hon. and learned Gentleman had said as to the state of the army, and the sufferings the troops had undergone, was true, and could not be denied. At the same time, he could not but think that the hon. and learned Gentleman had somewhat magnified the sufferings, and had painted in colours deeper than the reality the hardships which the army had undergone. In his opinion that House and the country had not fully considered the horrors and misery that must accompany every war, and that a forty years' peace had made them forgetful of them. The question was one which he considered ought to be treated in a calmer and juster spirit than the terms of the Motion of the hon. and learned Gentleman indicated. Though great sufferings had been endured, though great errors had been committed, if the House were to censure those who had been the cause of these sufferings and errors, they must not confine themselves to the Members either of the late Administration or of that which now existed. They must censure the House of Commons and the people of this country. The truth ought to be told. It was the House of Commons, backed by the people, that had reduced establishments. They had told the people that war was a delusion, and that the country would never again be engaged in a serious conflict with any foreign power. That was the true source of our late disasters in the East. He had endeavoured to warn the House at the time on that point. He had told them in former years that the best men, the blood and sinews of the country, were emigrating.

They had refused to attend to his warning, and when they drifted into the war unexpectedly, and without, as he thought, sufficient cause, they were surprised at the failures and misery that ensued. What was the opinion, not of the great Emperor Napoleon—great as he admitted him to be—but of the greater Napoleon? In 1802, in reply to a remark that armies could be created in a moment, but that a navy could not, Napoleon I. said that that was a mistake; that a nation would ruin its army if it acted on that idea; that it required not six months, but six years to make an army, and that he never would, if he could help it, go to war with young recruits. Now had they not gone to war with young recruits? Where was their reserve? Lord Raglan had told the Government not to send him any more young recruits, because they could not stand the climate, and died in the hospitals. That was one great cause of their failure in the Crimea. He hoped it would be a lesson—if, happily, peace was restored—that they ought not to reduce their establishments, and that they ought not to be led away by the cry that future wars were impossible, but that they should maintain their establishments in such a state so as to be prepared to meet any enemy in future. He feared if he supported the motion of the hon. and learned Member for Sheffield, that he would be weakening the executive. He had endeavoured, on a previous occasion, to show—he knew how feebly—that the war was neither a just nor a necessary war. But now the country was engaged in it, he hoped that nothing he had said, that no vote he had given, had in any way diminished the power of the country to meet her enemies in the field. Fearing, therefore, if he voted for the Motion, that he should weaken the power of the executive to carry on the war with vigour and earnestness, he should give his vote in favour of the Amendment of the hon. and gallant Member for Huntingdon (General Peel).

Mr. J. G. PHILLIMORE said, there was one point on which the hon. and learned Member for Sheffield had not touched, and which was, nevertheless, well worthy of consideration. That was, the question whether the Cabinet were a distinct and separate body. Mr. Fox repudiated in the strongest terms the idea that it was possible to treat the Cabinet as a body separate from the rest of the Privy Council. He (Mr. Phillimore) declared it impossible to connect the Home Secretary, for instance, with the not making the road to Balaklava, or for the want of medical assistance or stores to the army. He did not wish to attribute to those Members of Lord Aberdeen's administration who introduced dissension into the Cabinet, and more especially the right hon. Baronet the Member for Carlisle (Sir J. Graham) any want of desire to fulfil their duty to the country; but it was the supineness and apathy of that Administration, and the pusillanimous conduct of Lord Aberdeen, which were the causes first, of the war; and next, of the unfortunate manner in which it was conducted. Regarding the question in a constitutional light, he could not but think that the doctrines which the hon. and learned Member for Sheffield (Mr. Roebuck) had enunciated were altogether wrong. He had gone so far as to say that those who were not connected with the War Department were not only equally guilty, but were actually more to be blamed than those whose special province it was to administer its affairs. Such a doctrine was most absurd, and would be carrying responsibility to an extent which would cover the country with ineffable ridicule. It was his opinion that they could not now, without injury to the country, and without endangering that unanimity of feeling which was most important, contribute, by an adverse vote, to bring about another change in the Government. He would ask what had happened since the formation of the present Ministry to justify them in giving a vote against the noble Lord, and the Administration of which he was at the head? If they looked to the State papers which had been laid before the House, they would find that the Earl of Clarendon had conducted the negotiations in the most dignified, courteous manner, and with the most invincible effect. He could not see that there was anything in the conduct of the new Ministry which would warrant the vote of censure moved by the hon. and learned Member. He supported the Government because he believed that it had carried on the war with vigour; and while there were none more ready than himself to declare for peace, when honourable terms could be obtained, so there were none who dreaded more than himself the loss of national honour, and the loss of national independence, which must necessarily result from a dishonourable termination of the present war.

MR. GORDON said, he rose with unfeigned reluctance to explain the vote which he felt compelled to give, being unfortunately unable to concur in any one of the three propositions before the House. The hon. and learned Member for Sheffield (Mr. Roebuck) had brought against persons, who had long served their Sovereign and the public, the gravest charges that could possibly be preferred. Those charges were directed against a Government which had ceased to exist, every individual Member of which it was now sought to visit with censure on the ground of the Report of a Committee of that House. In his opinion, the Resolution of the hon. and learned Gentleman was not warranted by the evidence on which it was professed to be founded. Vast masses of evidence were laid before the Committee touching all manner of subjects, and, though much was connected with the condition of the army in the East, a great deal had very little to do with that question. While listening, as he did for several days, to the proceedings of that Committee, his heart sank within him when he considered what reputations were at stake, and how the characters of public men, who had grown grey in the service of their country, were being treated. Evidence of all kinds—second hand and hearsay—was admitted, such as no court of law, or strictly legal tribunal would have tolerated. It was a literal fact that what one captain told another captain, who told it to a friend, who was the captain of a third ship, and who told it to the Committee, was duly recorded. But, whether the value of the evidence was great or small, he contended nothing could justify the House in agreeing to the Resolution of the hon. Member for Sheffield, except the unanimous opinion of the Committee; and, so far from that being the case, they knew that the Resolution of condemnation was carried only by the casting vote of the Chairman. Some of the Members of the Commitee expressed in the strongest terms their disapproval of the Resolution, and he confidently appealed to a majority of those who agreed with the hon. and learned Member for Sheffield, whether they concurred in this vote of censure, and whether they thought it a desirable time to bring it forward when the Ministry had been displaced, and many Members of it had retired to a private position? An hon. Member had said, that the Motion did not profess to condemn the policy of the expedition to the Crimea; but the hon. and learned Member (Mr. Roebuck) in his speech spoke of that expedition as ill conceived, as well as ill carried out; and if that were true it must have been impolitic, and the policy of it therefore was involved in the Motion. The Members of the late Government were, no doubt, fully prepared to defend the policy of the expedition, but he denied that they were exclusively responsible as if they were alone concerned in it. In condemning those who undertook the expedition to the Crimea, others were condemned for more than the Government of this country. It was not any Member of that House, or any Englishman, but our great ally, the Emperor of the French, who characterised those who opposed the expedition as the advocates of "timid counsels;" and the hon. and learned Member for Sheffield would have the House declare by his Motion, that "timid counsels" were the counsels of reason and prudence. He could not vote for the Motion of the hon. and gallant Member for Huntingdon (General Peel), as he did not think it fair or proper, when such grave imputations were cast upon individuals, that the question should be merely set aside; it ought, in his opinion, to be brought to a definite issue. The hon. and learned Member for Sheffield commented on various acts of omission and commission, many of which he believed were susceptible of explanation. The hon. and learned Gentleman was greatly in error in referring the sufferings, which all deplored, to the charge of the Government. When hundreds of people were employed, all more or less responsible, and on whose care and assiduity important operations depended, a partial failure, even among subordinates, might cause mischief, out of the power of the heads of the Administration to remedy. That was, he thought, incidental to the commencement of a war, because then it was that a number of persons were employed whose capabilities there was no opportunity of testing. When many persons were suddenly placed in a position of trust, it was impossible to tell who were deserving of confidence; but, after operations had gone on for some time, they knew their men, and those who distinguished themselves could be picked out for higher situations. At the beginning of an undertaking of this nature such selection was impossible, and it was absurd to expect it. That ought to go a great way towards the acquittal of the Government, and another fact tending to absolve the home Government from blame was, that they received very imperfect accounts of the distress in the Crimea, and of the confusion which existed in the various departments of the service. When the truth did come to their knowledge, it was in evidence before the Committee that everything in the power of man to do was done to remedy the evils. He should certainly oppose the proposition of the hon. and learned Gentleman, because it was impossible to come to a satisfactory conclusion on the insufficient materials collected by the Committee, because the Members of the Committee were not unanimous in supporting that proposition, and because it was unjust to visit with a retrospective censure men who had already suffered to some extent from a Vote of that House. He had intended to address the House at greater length, but the deep interest which he naturally felt in the issue of the Motion would not allow him to command his feelings sufficiently to do justice to the arguments which he was convinced might be successfully urged against it. He could not, however, have rested content to give a silent vote on the question, remembering how nearly it concerned him that no undeserved censure should be cast upon one with whom he was so nearly connected—the noble Lord lately at the head of Her Majesty's Government, whose conduct it would ever be his privilege, as well as his duty, to defend, and whose honour and fame he should ever cherish as his most valued inheritance.

Sir JOHN WALSH said, he would submit that it was the duty of the House to inquire into the causes of the strange fatality which had marked the whole progress of events with relation to the present war. How was it that every one who had been mixed up with the conduct of the war—every military and naval commander—every political leader and statesman, who had been involved in those transactions, had met with nothing but failure, disappointment, shipwrecked fortunes, and tarnished honour? He should like to be informed of the true causes of a fatality which appeared to him to be so marked and extraordinary. What a long catalogue of blighted reputations did one short twelve months offer for the consideration of the country. From the lowest to the highest, from the Filders and Andrew Smiths, up to the noble Lord the Member for the City of London (Lord J. Russell); with men of all shades of party and with men of no party, who merely brought patriotic zeal and lengthened experience to the service of their country, the result had been the same. All had been blamed, all had been condemned, for all alike had failed. But how were these results, calamitous as remarkable, to be accounted for? The fatality was wide-spread, and spared no one. Amongst the names most distinguished in the naval annals of the country was that of Sir Charles Napier, who entered last year on the duties of his arduous command with the feeling of the country enthusiastically in his favour. He came back a stigmatised man, engaged in a paper bombardment of the right hon. Gentleman the late First Lord of the Admiralty. And now he had retired into private life, and had left it to posterity to do him that justice which posterity no doubt would eventually render him. He (Sir J. Walsh) would not include in this doleful catalogue the revered name of Lord Raglan. That calumny and injustice which attacked him while living was silent in the presence of his tomb. History would do him justice, and he would live enshrined in the annals of British glory amongst the highest and noblest of those who had been the associates of Wellington. But as matters now stood, it seemed as though no one had deserved well of his country in connection with the present contest. It appeared to him, however, that there was an offender, whom the hon. and learned Member for Sheffield, so searching a censor of public delinquents, had failed to detect. Could it be that the fault lay with public opinion, that invisible but all-powerful scourge, which had visited so severely Minister after Minister, commander after commander, and which had swept away one-half of the Treasury bench, while the remainder were staggering on their seats under the weight of the coming calamity? He was inclined to think that much of the evil was to be traced to the single circumstance—that the Ministers were indeed the Ministers, and not the governors, of this country; that they surrendered their own convictions, mistrusted their own judgments, and tamely followed that public opinion which it was their duty to have directed and controlled. Public opinion, as embodied in the general sentiment out of doors, and as uttered not alone by the press, but also by that House, was a *particeps criminis*, and should not escape the odium of the calamities which had overtaken us. If the expedition to the

Crimea — undertaken under the circumstances which had marked its origin—was inexpedient and blameable that House ought to have endeavoured to control within rational limits that current of public opinion by which Ministers were blindly driven on to so fatal and unfortunate an enterprise. Was not, therefore, that House, and the public press in some degree to be blamed for the difficulties in which they now found themselves? If the expedition to the Crimea was blameable, the fault should be visited upon the Government which undertook it, but it should also be visited upon the public opinion of the country, and upon that House, which failed to exercise a proper control over matters so important. He had pointed out last year the inadequate amount of our forces, and now he could not but say the Government was censurable for not supplying those deficiencies. But it was difficult to agree to a vote of censure upon Ministers who were in a great degree urged on the expedition by that public opinion which now sought to crush them. The expedition itself was a mistake, for at the time it was undertaken we had gained all the primary objects we had in view. Turkey was safe; Moldavia and Wallachia were emancipated; and Russia had sustained the greatest moral defeat before Silistria. But, last year, the whole force of public opinion had been brought to bear upon the Government in order to urge them on in that expedition. It had been entered upon at a moment when our army had been thinned by disease; in opposition to the advice of Lord Raglan himself, and of the great majority of the military authorities, both upon the spot and at home, by a Cabinet composed purely of civilians. It had, therefore, been entered upon with a degree of rashness which almost invited failure—with resources which at the time were inadequate; and that was a step for having taken which Her Majesty's Ministers were, in his opinion, in some degree liable to censure. Having once embarked, however, upon that expedition, it became difficult to retreat. Nothing but victory was left to our army. We were now bound to prosecute the Crimean expedition with vigour; and he must say that he saw in the conduct of the present Government no evidence of extraordinary vigour. When the noble Lord at the head of the Government had stated that he had no intention of filling up the number of the militia, he did not seem to have paid due regard to the necessity of keeping up an army of reserve. Now, what was the present state of our militia force? Why, it appeared from the Returns upon the subject that the militia had at present less than one-half of its proper complement. That was not the way in which a great war could be brought to a successful termination. It was the very essence of great military operations that they should be conducted with vigour and promptitude; and unless they were so conducted they must end in failure. He felt great difficulty, however, in coming to a vote upon that occasion. He believed that the censures directed by the hon. and learned Member for Sheffield against the late Cabinet were fully justified by the facts of the case, and he utterly repudiated the notion that every Member of that Cabinet was not answerable for the conduct of the body in its collective capacity. But, on the other hand, he felt that the House could hardly be considered to have a right to pass a censure on the conduct of the Government while they were themselves so largely implicated in the faults which had been committed; and under all the circumstances of the case he believed the safest course they could pursue would be to support the Motion of the hon. and gallant General the Member for Huntingdon.

MR. MAGUIRE said, he should not have risen, but from the extraordinary silence of the Government upon perhaps one of the most important discussions which had ever engaged the attention of the British Senate. Last evening the noble Lord at the head of the Ministry was more than usually jaunty and pugnacious, and challenged the Opposition right and left, because he knew their arms were tied by the fact that the supporters of the Government had thrown over the Jonah to appease the storm; whereas to-night they attempted to shelter themselves from the discussion of the grave charges brought against Lord Aberdeen's Government, and, consequently, against a large portion of the present, by rushing to a precipitate division. That course was not consistent with the vaunting courage displayed by the noble Lord, Donnybrook fashion, last night. The Government could not well be acquitted unless they gave an assurance that there was not to be a repetition of the horrors of last year. He feared that as little had been done in the Baltic during the present year as last year, and that we were still launching enormous ships, which could not approach within cannon shot of the fortresses to be attacked. The present Government, he considered, had done as little as the last. It had been said that the Resolution would be a censure upon the French Government, but he denied it. Indeed, a delicate regard for the feelings of France was not limited to any side or party, but was exhibited by every Member of that House, as well as of the Committee up stairs. And, besides, there was no charge made against the French; on the contrary, the accusation was, that the British Government had mismanaged the campaign, while the French had done their business well. The hon. Member for Kidderminster (Mr. Lowe) had given him (Mr. Maguire) the idea that he had a very nervous apprehension of the safety of the Government, and it made him believe that there were some new combinations going on. The only question before the House was, were the Government responsible for the disasters in the Crimea, or were they not? Were they not responsible for issuing green coffee to the soldiers? Were they not responsible for starving the soldiers? Were they not responsible for having destroyed by their incapacity 10,000 or 12,000 of the bravest men who ever rallied beneath the standard of any Sovereign? The hon. and gallant Member for Huntingdon (General Peel) and the hon. Baronet the Member for Radnorshire (Sir J. Walsh) had made speeches strongly condemnatory of the Government, and yet had adopted the mild course of proposing and supporting the previous question; but he begged to remind them that this was a question which infinitely transcended the convenience or even the safety of a Cabinet. Life had been sacrificed, widows and orphans had been made, in consequence of the mismanagement of the Government; and if such things did not command attention in that House, they did so in every home throughout Great Britain and Ireland. The hon. and gallant General said that nothing could be more absurd than the number of reporters who followed the army, and the garbled reports which they presented. He (Mr. Maguire) was proud to be a member of the press—of that body which had done more for the salvation of the British army than all those together who sat upon the Treasury benches. If the press of this country took their inspiration from the Government at home, or from the general abroad—if they allowed themselves to be earwigged by subordinates, and then made all pleasant, the same Administration might have remained in office, but not a single man of the British army would have ever left the shores of the Crimea. The Earl of Aberdeen, the Duke of Newcastle, and the right hon. Member for Carlisle (Sir J. Graham) had admitted that they had obtained their information from the press —that maligned press, which had done such injury, which had told so much to the enemy, and which had so seriously thwarted the councils of the nation. Why, the miserable remnant of our army that yet remained had been saved by the press. If the Government had been galvanised into energy, it was the press which had done it; but it was not the press which had driven them to the Crimea, or which had sent them there with inadequate forces and with no reserve at home. The press said, "Go where you please, but go fully prepared." He asked again, were the Government prepared for the Baltic campaign at this moment? He believed that they were as unprepared now as when they sacrificed a gallant admiral for not knocking his head against a fort when he had not the means of taking it. When the hon. and gallant general called upon the Government to carry on the war as a Cabinet with one mind and one heart, he surely must have forgotten the revelations of the previous evening. The fact was, that the Cabinet was rent to the very centre. It contained a peace party and a war party, and the scenes behind the curtain were those of cat and dog. He believed that those who had seceded from the Government were no more blameable than those who had remained; for those who still retained office had done nothing to wipe off the guilt of blood that was upon them. Was there one of them at the present moment who could turn his thoughts to the Crimea without a shudder at the frightful loss of human life—at the number of men who had fallen, not by the sword of the enemy, but by the leaden sword of incompetence wielded by the Treasury bench? In his opinion, the hon. and learned Member for Sheffield would have been unworthy of his high position if he had not brought forward a Motion like the present—a Motion which would test the sincerity of Members of that House. He would particularly impress upon the House that the Motion before it contained no censure upon the Government of France—and, indeed, the activity and competence of that Government contrasted most favourably with the supineness and incompetence of the Government of this country. At a time when their cavalry was ready to take the field, our cavalry were gnawing their tails off. [*Laughter.*] He meant that the horses were gnawing each other's tails off; and, although his slight mistake might cause laughter to those Gentlemen behind the Treasury bench, he could only say that the reality had caused no laughter in the Crimea, where the trooper was compelled, by the neglect of the Government, to do the work of his broken-down horse. When our troops were starving, the French troops were well fed; and the French hospitals were well managed, while the British hospitals were filled with horrors which it made one shudder to contemplate, and the recollection of which ought to bring a blush of shame to the cheeks of the Members of the Government. Was the country to forgive blunders which had brought 10,000 men to an untimely grave? and was it to overlook disasters which could have been prevented by placing the right men in the right places? He hoped that some Member of the Administration would rise in his place, and state to the House why the present Government were not liable to censure for the mismanagement of the expedition to the Crimea.

SIR JAMES GRAHAM: Sir, I have waited until the last moment in expectation that some Member of Her Majesty's Government would rise upon an occasion of such importance to indicate to the House the course which they thought ought to be pursued. I imagine that, considering the present advanced period of the Session, and the business which remains to be transacted, it is for the public advantage, and also in accordance with the wishes of the House, that this debate should be closed this evening. Unlike the hon. Gentleman who has just spoken, I opposed the appointment of the Committee, and unlike him I do not think that the evidence taken before the Sebastopol Committee sustains the Resolution of my hon. and learned Friend (Mr. Roebuck). Although I was a Member of the Government at the commencement of the war and during some period of its prosecution, and had made up my mind to vote against this Resolution, still I have waited with respectful attention to ascertain the course which the present Government, lately my colleagues, proposed to pursue. I have felt that, with regard to this matter, my position is to a certain extent different from that which they occupy. I originally opposed the appointment of the Committee and persevered in my resistance, and when the Government of my noble Friend arrived at the conclusion that they could no longer oppose its appointment, I felt myself bound to resign the office which I had the honour to hold, and therefore my position is, as I have just stated, somewhat different from that occupied by the Government. I have heard with great pleasure the speech of my hon. Friend near me (Mr. Lowe). I joined him in resisting the appointment of the Committee, I entirely adopted the views which he expressed, and on the present occasion I shall act in a manner identically the same. I cannot think, after a Committee has been appointed by so large a majority of this House, after so much expectation has been excited in the country, that it is possible, with due consideration for the feelings of the people, to give the question upon which it reports the absolute "go by;" yet such is the effect of carrying the previous question. Without entering into the technicalities involved in the speech of the hon. and gallant General who moved the previous question, I think that if his Amendment were agreed to it would give rise to a great deal of misunderstanding out of doors. Before this inquiry was instituted I saw the danger of it, and many of those objections which I ventured to state at the time, have, I think, been confirmed by the course taken by that Committee. The Committee have rigidly abstained from making any inquiry involving political considerations and consequences, sensible of the danger of that course, but that very abstinence has, by their own avowal, rendered the inquiry incomplete and inconsistent with justice. According to the opinion of the Committee itself the inquiry was anything but satisfactory, for in the Report it is stated that—

> "The fulness of the investigation has, moreover, been restricted by considerations of State policy, so that in the outset of this Report your Committee must admit that they have been compelled to end an inquiry which they have been unable satisfactorily to complete."

There is another passage very important for the House to consider, showing that, even in the opinion of the Committee, the inquiry as it now stands is anything but satisfactory to those who heard the evidence and made the Report, even with respect to points which they did investigate. The hon. and gallant Member for Huntingdon (General Peel) has referred to the insufficiency of the British force originally sent to the Crimea, and he has dealt with the question as if it concerned only the English force; but did the Committee take the same view of the subject? The Committee stated that the great evils which had occurred were to be traced to the excessive fatigue of the British troops, and the Report says that the fatigue necessarily resulted from the inadequacy of the force for the task assigned to it. But, does the Report pause there? Does it limit the inquiry to the sufficiency of the British army? No; it goes on to say—

> "The British army was a portion of an allied force. The whole scheme of the siege, the extent of front to be defended, the positions to be maintained, and the works to be undertaken depended on military considerations, and were decided upon in conjunction with our allies. Your Committee regard these matters as beyond the limits of their inquiry."

There is another matter to which I wish to call the attention of the House. I have the highest opinion of the candour and love of truth of my hon. and learned Friend the Member for Sheffield who made this Motion, but he has, in quoting from a letter of Lord Raglan, inadvertently made a most important omission. The hon. and learned Gentleman left it to be inferred that Lord Raglan was influenced in undertaking the expedition to the Crimea against his own judgment by the English Government. Now, I must say just in passing that the instructions given by my noble Friend the Duke of Newcastle to Lord Raglan left him the fullest discretion as to whether he would undertake the expedition or not. Those consderations were not political, but, had exclusive reference to the force at his disposal—the British force in conjunction with our allies. Lord Raglan's answer to that instruction I will read as it was read by my hon. and learned Friend, and as it appears in the Report of the Committee, but not as it appears in the despatch itself. The passage read by the hon. and learned Gentleman was—

> "The descent on the Crimea is decided upon more in deference to the views of the British Government than to any information in the possession of the naval and military authorities, either as to the extent of the enemy's forces or to their state of preparation."

That was the way the hon. and learned Gentleman read the passage and inserted it in his Report. Now observe the important omission. The passage as written by Lord Raglan, is—

> "The descent on the Crimea is decided upon more in deference to the views of the British Government, and the well-known acquiescence of the Emperor of the French."

Now, the omission of the words "and the well-known acquiescence of the Emperor of the French" appears to me to be a most important alteration. Nor is that all. The House will, perhaps, allow me to read a short passage from a French newspaper bearing on the Motion now before us. The *Assemblée Nationale*, entertaining the opinion that this subject had better not be reopened, observes:—

> "But England was not engaged alone in that expedition. In order to judge with equity the conduct of the English Government, it is proper to know what was its share in the initiative and the decision; it is proper to know, in all their details, the circumstances under the pressure of which it was proposed, or deliberated, or resolved upon." And it makes these pregnant inquiries—"Does Mr. Roebuck reckon on proposing these questions? Are the Ministers prepared to answer them."

Most decidedly Mr. Roebuck was not prepared to put such a question—most decidedly the English Government was not prepared to answer it, if he had. But I will not press this part of the subject further; I only wish to explain the vote which it will be my duty to give on the present occasion. I resisted the appointment of this Committee. I did not think that the investigation could be pushed to the extent which would satisfy the ends of justice, and, if pushed to the full extent which would be necessary to render it satisfactory and just as an inquiry, I believed that considerable danger would ensue. That danger has been avoided by the prudence of the Committee; but I say I do not think that justice has been done. Well, then, if a Member of this House possessing such opportunities for the formation of a sound judgment as those enjoyed by my hon. and gallant Friend who has moved the previous question—if he really entertains, on the whole, the opinion that the parties accused are entitled to their acquittal, why does he hesitate to give to the accused the benefit of his verdict? It will be said that I, fearing the result of this inquiry, did the utmost in my power before the inquiry was entered into to prevent its institution, and now, when the investigation is complete, when the evidence is before the House, when the Judges who heard that evidence are capable of pronouncing a decision—I, having sought to burke the inquiry, now shrink from asking the Judges to pronounce their decision. Sir, I cannot place myself in that position, and I certainly shall think it my duty to resist the previous question, in the hope that the House having fully deliberated upon this important matter, and having the materials for forming a judgment before them, will pronounce a decision—aye or no—whether the Members of Lord Aberdeen's Government were guilty of such misconduct in their high offices as to deserve the severe reprehension of the House. If the decision of the House be adverse, however harsh I may feel it to be—however inconsistent I may think it with the best interests of the country—however much, in the circumstances of the present moment, it may narrow the choice of the men who for the advantage of the public service should be selected for places of high trust —however much it may contract the number of those who can henceforth be employed in the honourable service of their country —yet I think even this would be better than to shrink from a decision which it seems to me right and necessary to pronounce. Certainly, therefore — though I regret that we have not the light which the noble Lord at the head of the Government might have thrown upon the course we ought to pursue, and though I should have been glad to have had the advantage of his advice—yet my position is somewhat different from his, and having made up my mind as to the course upon which, upon the whole, I think it will be my duty to take, I thought it respectful and right to state shortly to the House what that course was. I shall vote against the previous question for the purpose of meeting the original Motion of the hon. and learned Member for Sheffield by a direct negative.

LORD SEYMOUR said, he was not anxious to renew any discussion on the painful subject of the appointment of the Committee. He was one of those who had objected originally to its appointment, but, when it had been determined by the House that inquiry should take place, he thought it would be inconsistent with his duty to shrink from serving upon it. It would have been bad enough for the country if they had lost confidence in the Government; but, it would have been still worse for the country if they had lost confidence in the House of Commons. He had looked upon it, therefore, as essential to the dignity and character of that House that every one who was requested to do so should consent to take part in the inquiry. The Committee was composed of men of very different opinions, but, as far as they could do so, they had done their best to ascertain the truth and represent it to the House, though he acknowledged that their conclusions might be imperfect, owing to the peculiar difficulties presented in the course of this inquiry. He should not have thought it necessary to trouble the House had it not been that the hon. and learned Gentleman, who had been Chairman of the Committee, in bringing forward his Motion that night, represented that he (Lord Seymour) concurred with him in his Resolution, and that all he differed from was the other Resolution by which it was accompanied. Now, that was not exactly the case. No doubt, the hon. and learned Gentleman forgot that there were two Resolutions moved, and the first Resolution which the Chairman proposed, and to which his (Lord Seymour's) observations applied, was this—

> "Your Committee believe that they would be shrinking from their duty were they to close their Report without naming to the House those whom the evidence points out as chiefly answerable for the great calamities to which our army in the Crimea was unduly subjected."

He (Lord Seymour), undoubtedly, said that would be true if they could name those individuals, but he took that in connection with the other Resolution brought forward by the Chairman, part of which pointed to Lord Raglan, and therefore he objected to that Resolution. The whole Committee adopted the view he took, and there were nine against and only one for that Resolution, although any one who read it would see that in itself, if the result to which it pointed could be obtained, it was quite unobjectionable. When they came to the other Resolution, he objected to it on different grounds, because he thought it involved questions as to the policy of the Government in ordering the expedition to the Crimea, and because the Committee had declared that they would not question the policy of the Government, that being a matter for that House to consider. Moreover, the Resolution appeared to him, not only to condemn the policy of the Government, but the policy of our allies; and it was objectionable, too, because in his opinion it was not in accordance with the facts of the case. He had fully stated in the Report how far he thought the Government were to blame. At page 1 they would find the following passage—

> "Your Committee are, however, of opinion that this amount of unavoidable suffering has been aggravated by causes hereafter enumerated, and which are mainly to be attributed to dilatory and insufficient arrangements for the supply of this army with necessaries indispensable to its healthy and effective condition."

The House would oberve he there stated that these sufferings of the army were aggravated by those causes; not that the Government at home were the chief and sole cause of those sufferings. He, therefore, entirely differed from the Resolution in question. He would now pass from it to what had fallen from the right hon. Baronet the Member for Carlisle (Sir J. Graham) who said he could not vote for the previous question because he thought the House ought to pronounce an opinion. And yet, just before this, the right hon. Baronet had stated to the House that there was no sufficient evidence upon which to pronounce an opinion. Now, if there was no evidence for condemnation, how could there be evidence for acquittal? It seemed to him that if the House had not evidence for the one judgment, they had not evidence for the other. If the inquiry was imperfect, as the right hon. Baronet alleged —and nobody could be more conscious of its imperfection than he (Lord Seymour) was—that seemed to him to be just a case for the previous question. If they could not pronounce an opinion they would follow the Parliamentary course frequently adopted in that House, which was to endeavour to prevent the question from being put. There was one point he would notice in answer to the observations made by the hon. and gallant Member for Huntingdon (General Peel). He referred to a letter he had received from Sir Hew Ross, who said he was much hurt and pained by the passage in the Report which stated that—

> "It would seem from the language of Sir Hew Ross that he was imperfectly acquainted with the constitution of the Board of which he was a Member."

Now, Sir Hew Ross was Lieutenat General of the Ordnance, and certainly from his answers to the Committee it appeared that he was not conscious of the powers appertaining to the Lieutenant General of the Ordnance. If, however, the gallant officer was not conscious of those powers, he only shared that ignorance with the Prime Minister and other Members of the Government who came before the Committee. They were equally ignorant that when they appointed a Lieutenant General of the Ordnance they appointed a person who was not a real substitute for the Master General. As far as Sir Hew Ross was concerned, it was hardly to be expected that he could be acquainted with the details of an office which had been abolished for twenty years previous to his appointment. But Sir Hew Ross was not blamed in any way with regard to the conduct of the Ordnance corps under his management. On the contrary, it was specially pointed out in the Report of the Committee that the Ordnance corps had been better managed in many respects than any other part of the army; and Sir Hew Ross, instead of being blamed, was highly praised by the Committee. With respect to the Motion of the hon. and learned Member for Sheffield, he (Lord Seymour) objected to it because he could not see the utility of going back now to the past. The great object of the inquiry was to guard against error in future; and if the Government were prepared hereafter to attend to the wants of the army with earnestness and zeal, the country would be willing to forget and forgive all that had recently taken place. But it would be only by zealous and earnest care for the army now in the Crimea. There must, however, be no more of those errors committed which the Committee had had the disagreeable duty of pointing out.

SIR JOHN PAKINGTON: Sir, like the right hon. Baronet the Member for Carlisle (Sir J. Graham), I have waited till the last moment, under the idea that some Member of Her Majesty's Government would announce to the House the course which they intend to take with regard to this very important question. The right hon. Baronet has stated in manly and honourable language his views on the subject, and his reasons for the course which he is prepared to take this evening. Beyond all doubt the right hon. Baronet is personally interested in the vote to which the House must arrive; and I can understand the feeling—honourable to himself—which induces him to refuse to take shelter in any indirect proceeding like "the previous question," and to prefer that a direct vote should be given by this House. But what, Sir, is the course which Her Majesty's Government mean to take, and why have they adopted the unusual course of not announcing what they intend to do with reference to this Motion of the hon.

and learned Member for Sheffield? Last night Her Majesty's Government, when a vote of censure was hanging over them, took the extraordinary course of shrinking from the trial, and they avoided that vote of censure by sacrificing the most eminent of their colleagues. What, then, do they intend to do to-night? If rumour speaks true, they will take a similar step, and will endeavour to avoid a vote of this House, not by following the manly example of the right hon. Baronet the Member for Carlisle, but by sheltering themselves under the equivocal course of the "previous question." What they really intend to do they are not disposed to tell us, and, under the circumstances, I trust the House will allow me to state the line which I feel it to be my duty to take on this occasion. The hon. and learned Member for Sheffield, who has brought forward this Motion in a clear and able speech, has appealed to those Members of the House who sat with him upon the Sebastopol Committee to give him their support upon this occasion, and I wish to state the reasons why I, for one, am prepared to give him that support. I will not deny that I have arrived at this decision with great reluctance and pain—[*Cries of* "Oh, oh!"]. I know no reason why in making this statement I should be open to murmurs of this kind. I can only say that I never spoke with more sincerity. In arriving at this decision I cannot but feel that the vote which I am about to give involves a censure not only upon Her Majesty's Ministers, to whom I am politically opposed, but also upon other eminent Members of this House, who are personally men of high character and honour, who were Members of the Government of Lord Aberdeen, and who are therefore parties to the transactions to which our attention is now called. Upon the other hand, I cannot but feel that the country is now in a state of great peril, that the public mind is uneasy and anxious, and that we, the Members of the House of Commons, called upon as we are to-night, are not at liberty to draw nice distinctions and to consult those feelings of personal delicacy which may becomingly and properly animate us at other times, but that we must give that vote which, in our conscience, we believe to be right. The hon. and learned Member for Sheffield, in his capacity as Chairman of the Sebastopol Committee, has called upon us to decide whether or not we will ratify the Report to which the Committee has arrived; and, before coming to any decision upon the matter, I am anxious to remind the House that the Report of the Committee was a unanimous one. The noble Lord who spoke last has alluded to a Resolution in which he could not concur, and the fact that that Rssolution was carried by the casting vote of the Chairman has already been referred to by the hon. Member for Beverley (Mr. Gordon). But the Report of the Committee as it affects Her Majesty's Government, was a unanimous Report. I have always thought that the hon. and learned Member for Sheffield did himself very great injustice, and placed himself in a false position, when he called upon the Committee to divide upon the form of words which he suggested to them. I wish now to call the attention of the House to the words of the noble Lord the Member for Totness (Lord Seymour) himself. In the draught Report which he submitted to the Committee, the noble Lord summed up the evidence under six short heads:—

> "1. The expedition to the Crimea was undertaken with means inadequate for the military operations which had eventually to be performed. 2. No provision was made in time for the wintering of the army. 3. No measures were taken for rendering effective the offices on the vigorous administration of which the success of all operations and the maintenance of the army depended. 4. There was a want of timely information as to the state of affairs in the Crimea and at Scutari. 5. One department, the Commissariat, was made to perform the duties of several departments. 6. An unfortunate selection was made of officers for important services before the daily increasing magnitude of the operations was foreseen."

Now, Sir, for what purpose was the Committee appointed? It was appointed to inquire into the conduct of those departments whose duty it was to administer to the wants of the army, and I wish to know whether, substantially, as regards the conduct of those departments, and the conduct of the Government at home, the censure contained in the Motion of the Chairman of the Committee is not embodied in the Resolutions proposed by the noble Lord the Member for Totness? Why, then, were they not adopted? They were not adopted, because it was the opinion of the Committee that if a summing up was to be given censuring the Government, that summing up ought to be in more direct and pungent terms. In consequence of that opinion the noble Lord prepared a second form of words still containing a censure upon the Government; but that form of words was also rejected as not being sufficiently pungent. After having thus rejected two forms of words proposed by the noble Lord, the words proposed by the hon. and learned Chairman were at length adopted. I think the House will now agree with me that, though the words adopted by the Committee were made more severe and pungent upon the suggestion of the hon. and learned Gentleman (Mr. Roebuck) yet substantially they did not differ from the words proposed by the noble Lord (Lord Seymour), and I heard no objection made in the Committee that to sum up the evidence in the way suggested would be to convey too direct a censure upon the Government. Well, Sir, the hon. and learned Gentleman has now called upon us, as he had a right to do, to express our opinion upon the Resolutions which were adopted. We have heard reasons urged why we should abstain from taking such a course, but I must say that any Member who entered this House to-night in doubt whether he ought to give a vote of censure can hardly have had his doubts removed by the reasons which have been advanced against the Motion of the hon. and learned Gentleman. The right hon. Member for Carlisle (Sir J. Graham) has taken an objection, which was previously urged by the hon. Member for Kidderminster (Mr. Lowe), founded upon the first paragraph of the Report of the Committee, that the inquiry was incomplete. Now, I deny that the inquiry was incomplete as regards the question to which it applied. The construction I put upon that paragraph is that there were other matters upon which it would have been well for the Committee to inquire, that there were other witnesses whom it would have been desirable to examine, and that to this extent the inquiry was incomplete. I deny, however, that the Report of the Committee is incomplete. The hon. Member for Kidderminster, with great fairness, gave the Committee credit for the caution and reserve they had displayed, and I think it will be admitted that there is no statement in the Report, so ably drawn up by the noble Lord the Member for Totness, which is not fully sustained by the evidence. Indeed, throughout the Report reference is made in the margin to the evidence by which each conclusion is sustained, and I think any one who will take the trouble to compare the Report with the evidence will be satisfied that the right hon. Baronet the Member for Carlisle and the hon. Member for Kidderminster are not borne out in their endeavour to show that the Report is incomplete. The hon. Member for Kidderminster, using words which I took down at the time, said, "We are assembled to-night to discuss the policy of the Emperor of the French." [Mr. LOWE: Hear, hear!] The hon. Gentleman cheers me. He admits, at least, the accuracy of my quotation, but I must say that I dispute the accuracy of his conclusion. I conceive that a more erroneous and unfounded conclusion was never arrived at by any Member of this House. Let me remind the House that this is the identical bugbear by which it was originally endeavoured to stifle the Motion for inquiry. We were told when the Motion for the Sebastopol Committee was first proposed, "Beware of what you are doing. Remember the delicacy of this investigation. Recollect that it will be absolutely impossible for you to conduct your inquiry without trenching upon the affairs of our allies." Well, what was the result? The right hon. Baronet the Member for Carlisle, I believe, has this evening distinctly and fairly admitted that the Committee avoided that danger. I contend that the Committee did avoid the danger, and I not only maintain that we are perfectly free to record our opinions upon such a subject, but I can imagine nothing more dangerous as a precedent than an attempt to try to stifle discussion in this House—an attempt to prevent hon. Members from expressing constitutionally their opinions upon the conduct of the Government of this country—because we happen to be in alliance with another nation—an alliance which we all regard with pride and gratification, and which I hope will long continue to be maintained with the same cordiality as at present. I must therefore contend that there is no reason, on the ground of the French alliance, for preventing this House from declaring whether or not they agree with the Report of the Committee, and whether they condemn the conduct of the Government with regard to the unhappy events which have occurred in the Crimea. Upon this ground I share the feelings of the right hon. Member for Carlisle, and, although I may arrive at the conclusion reluctantly, I cannot take shelter in the previous question which has been moved by my hon. and gallant Friend (General Peel). I must say, there was nothing in the speech of my hon. and gallant Friend which, in my opinion, bore out his Motion, or could induce me to give it my support. My hon. and gallant Friend made some remarks upon the Report of the

Committee, and he took exceptions to some portions of that Report, which, I confess, I heard with surprise from his lips, because he sat throughout upon the Committee, he was a party to the Report, and he never raised any of the objections which he has stated to-night while the Report was under consideration. Therefore, according to those rules which affect the conduct of Members of this House acting upon Committees, my hon. and gallant Friend was as much a party to the Report as any other Member of the Committee. My hon. and gallant Friend stated, as another reason for moving the previous question, that he thought the Motion of the hon. and learned Member for Sheffield involved the policy of the expedition to the Crimea. Now, this I must deny. The hon. and learned Member for Sheffield, I am certain, will not contradict me when I say that, neither in word nor in intention, does his Motion involve the policy of the expedition to the Crimea. I will not, however, shrink from declaring in this House what I have stated in private, that if the Motion did involve that question I should not, on that ground, hesitate to give it my support. I was one of those who did disapprove of the policy of the expedition to the Crimea. I think, if we consider the state of the war at the moment when that expedition was resolved upon, we may well entertain doubts of its policy. Let me remind the House that at that time the siege of Silistria had been raised, the Principalities had been evacuated, Constantinople was safe, and the immediate objects of the war, as a defensive war, had been attained. It was, therefore, a very grave question whether the whole policy of the war should be changed, and whether a war which had been undertaken as a defensive war should become a war of attack, and aggression, and invasion of a foreign soil. An hon. and gallant Member who has spoken to-night has anticipated the time when there may be a British occupation of the Crimea. We have never heard of any such intention. Do the Government entertain any such intention? They have never announced it, and my belief is, that from the moment the invasion was commenced to the present time, Her Majesty's Government have never had any definite idea of what the result of the invasion of the Crimea will be. I may remind the House, also, that we have been told by the noble Lord the Member for the City of London (Lord J. Russell) in a recent debate, that, in the event of a successful aggression from the invasion of an enemy's soil at a distance of 3,000 miles, we are not at liberty even to ask for the legitimate fruits of our success—namely, the cession of territory. The noble Lord admitted that, among the difficulties which beset this subject, that question would be the most difficult of solution; but he stated that, however successful we might be in an offensive war, we were not at liberty to reap the fruits of our success. Now, in my mind, only two conditions could justify this policy, and both are absent. The one is a sufficient force for the undertaking; the other is a moral certainty of success. I will not, however, dwell upon this point, because, as I have said, the Motion does not touch it. The question raised by the Motion of the hon. and learned Member for Sheffield, and which this House is called upon to decide, is this—whether, be the policy of the Government in the abstract good or bad, it was wise or unwise to carry the war into the enemy's country, and whether the Government of the day were justified in attacking Russia as they have done, with inadequate means, and in hazarding the honour, the glory, and the *prestige* of England upon that one rash expedition? In my humble opinion, the attack upon the Crimea, as it was conducted, violated every rule of war and every dictate of prudence. I do not think I could have stronger evidence in support of this view than that which I derive from Members of Lord Aberdeen's Cabinet. The Duke of Newcastle stated, before the Committee, that on the 10th of April he wrote to Lord Raglan these words—

> "Before the siege of a fortress so strong can be attempted it is necessary that information which can be relied on should be obtained upon many points upon which little or nothing is at present known."

I quite agree with that language; I think there we see prudent and proper caution. But what was done? What was the reply to that despatch? The month of April, the month of May, the month of June passed over, and not one word of information did the Government receive; and on the 29th of June the Government—still in utter ignorance of the strength of Sebastopol, of the amount of Russian forces in the Crimea, and, indeed, upon every point on which the Duke of Newcastle had stated that information was indispensable —ordered the attack upon the Crimea. In the middle of July the Government did receive an answer, and it was, that Lord Raglan could not obtain the information which was desired. In the course of our inquiry we received the evidence of the right hon. Member for Carlisle (Sir James Graham), and of Lord Aberdeen (the late Prime Minister), who stated that, although the expedition was directed in the absence of information which was essential, and which ought, in prudence, to have been obtained, the Government did receive information at the end of July, but whether that information was correct or not seems to be doubtful. The right hon. Baronet and the noble Earl, however, stated they believed the information to be correct. That information was, that the Russian force in the Crimea was 70,000; and the Government of this country, violating every rule of war and of prudence, sent a force of little more than 50,000, of which only 25,000 were British soldiers, to attack the 70,000 in the great stronghold of Russia, one of the most powerful fortresses in Europe. The first event that occurred was the Battle of the Alma, one of the most glorious days ever known to the British arms; but I believe no military man will ever contradict me when I say that, in the opinion of military men, that battle was won against all human probability—that if the Russians had been true to themselves, and availed themselves, as they ought to have done, of their position at the Alma—that if they had fought as they afterwards did at Inkerman and Sebastopol—we should not have obtained a victory, and the result would have been to us utter destruction. The Government had made no adequate provision for so important a campaign; but on the horrible results that followed I will not dwell —they are detailed in the evidence given to the Committee by the most undoubted witnesses, upon which evidence is founded the Report we are now considering. The Government have never disputed that Report—they have never taken the bold course of questioning its justice; and the question now is, will the House of Commons give its sanction to that Report? Sir, I cannot believe the House will refuse to do so. I, for one, have no hesitation as to the course which a sense of duty leads me to take, and, I may add, that there is nothing in the conduct of the present Government, including, as it does, a large majority of the men who were concerned in those transactions, that can tend to diminish that sense of duty. Recent events have rather shaken the confidence of the country in that Government. We have reason to believe that they have not dealt fairly and honestly with the House of Commons. And when we consider the lamentable circumstances that we have had to deplore, let us ask, what assurance we have that the Government is now taking adequate means to prevent a repetition of those circumstances in the approaching winter? Where are the reserves so essential to the maintenance of the army? Where is the militia that England ought to have? No part of the conduct of the late Government was more culpable than their neglect of the militia before embarking in the war. We ought at this moment to have a force of 120,000 militia in the three kingdoms—for England 80,000, Ireland 30,000, and Scotland 10,000—whereas for the three kingdoms the whole militia force is not more than 50,000. Then, is the army at the strength which this House has voted? I believe not. These are important matters, and as it appears to me that the Government now, as the Government then, are neglecting these great interests, though it may be painful on personal grounds, and may involve some sacrifice of feeling, yet my sense of duty is so clear and strong that I feel myself bound to give my support to the Motion of the hon. and learned Member for Sheffield.

Sir CHARLES WOOD: Sir, I must confess that I was astonished at the opening sentence of the right hon. Gentleman who has just sat down. I should have thought his memory would have served him for at least twenty-four hours, and that he would not have repeated the charge that was denied by those most competent to deny it, of our having shrunk last night from a vote of censure by sacrificing a colleague. I thought the noble Colleague himself and my noble Friend at the head of the Government stated, in terms as distinct as words could make them, that we were ready to fight the battle, and that we were perfectly prepared to resist the Motion of the hon. Baronet the Member for Hertfordshire (Sir B. Lytton), if he had brought it forward. The right hon. Gentleman is not more justified in saying that we are shrinking to-night from any responsibility that justly belongs to us. We are prepared to vote for the Motion which has been made by the hon. and gallant general opposite. ["Oh, oh!"] I am not ashamed at the course we are prepared to take, nor do I think that in pursuing that course we are shrinking from the discharge of our duty. It is perfectly true, as has been stated, that we opposed the appointment of this Committee, and we did so because we believed that the inquiry must necessarily be imperfect—that many of those whose evidence was essential, in order to enable the Committee to come to a correct opinion, could not be examined, and that moreover, in all the transactions, or most of them at least, the conduct of our allies was involved, with regard to which our mouths must necessarily be closed. The right hon. Gentleman (Sir J. Pakington) has stated that he did not think this last reason justified resistance to the Committee, or that it ought to lead the House to support the Motion of the hon. and gallant General; but he seems to have forgotten that the Committee themselves have reported that their inquiry on this ground was necessarily imperfect—that it was impossible to go into questions, the elucidation of which could alone enable them to form a just judgment on the matter. The hon. and gallant General stated that as a reason why he moved the previous question; the same ground has been stated by others, and it is perfectly clear that on this point the inquiry, as we predicted, is an inconclusive inquiry. That is why we are prepared to vote for the Motion of the hon. and gallant General. If all had been disclosed that ought to have been disclosed, so as to make it a complete inquiry, we should have been the last persons to take that course. ["Oh, oh!"] I am not in the habit of shrinking from any charge brought against me, nor is there any Member of the Government who is in the habit of doing so. I know not, therefore, why Gentlemen should doubt the assurance that we are ready to resist any charge that may be brought against us on this subject when the evidence regarding it is fairly before the House. The right hon. Gentleman goes on to say that he does not see how the Motion of the hon. and learned Member for Sheffield involves the question of the policy of the expedition to the Crimea, and so consistent is the right hon. Gentleman, that the moment these words are out of his lips the question he asks is, whether we were justified in going to the Crimea? And not only does he ask that question, but he gives his opinion on the subject, for he says that we violated every rule of war, and every dictate of prudence by going to the Crimea. I am not disposed to shrink from the responsibility of that expedition to the Crimea. I believe the expedition to Sebastopol was a wise undertaking. No doubt success has not, up to this moment, attended our efforts; but those who are on the spot and better able than we are to judge—as every person who has friends in the Crimea and is in the habit of receiving letters must know—believe that success will eventually attend our arms. The noble Lord the Member for North Leicestershire (Marquess of Granby) says we have forgotten the lessons of the last war during the long peace that has intervened, and that we seem to think war can be conducted without loss or suffering. Such has not been the opinion of the Government. I am as sorry as any man can be that we should have been involved in war; but I am convinced that the shortest mode of attaining an honourable and satisfactory peace, and of putting an end to the horrors of war, is to carry on the war with the greatest activity and vigour of which this country is capable. In reference to the Motion itself, I will only advert to a single point raised by the hon. and learned Gentleman the Member for Sheffield for the purpose of showing to some extent the *animus* and, at the same time, the utter inconsistency of his charges. Among other things the hon. and learned Gentleman referred to what he called the "dire chasm" of six miles which separated the supplies collected in the harbour of Balaklava from the camp on the heights. The want of the road he charged as a fault entirely resting on the Administration at home. Now, I should like to know when the hon. and learned Gentleman arrived at that conclusion, because certainly on the 18th of June he held an opinion diametrically the reverse. I feel some unwillingness to refer to the opinion then held by the hon. and learned Gentleman, because it may seem to cast a reflection on that noble and gallant Lord to whom the hon. and learned Gentleman has himself to-night paid a just though tardy tribute of praise. That noble and gallant Lord was decried and unjustly slandered in his lifetime, but now his value is beginning to be appreciated; and, therefore, when I refer to the words of the hon. and learned Gentleman, it is only for the purpose of showing the utter inconsistency with which he makes his charges. Here are the words of the hon. and learned Gentleman contained in a Resolution submitted to the Sebastopol Committee, but for which, to the honour of the Committee, only one Member was found to vote—

> "The Commander of the Forces, Lord Raglan, is in a great degree immediately responsible for the sufferings of the army. Had the requisite firmness and foresight been shown by him, much of the misery resulting from the want of land transport, from the want of a road from Balaklava to the camp, from the want of an efficient ambulance, from insufficient and improper food, from the want of shelter, clothing, and fuel, might have been prevented."

A month ago it was Lord Raglan who, according to the hon. and learned Gentleman, was to blame; but, Lord Raglan being removed beyond the reach of his charges, he finds it convenient to transfer the responsibility to the Government. But what say the Committee in the Report to which the hon. and learned Gentleman is a party? They say—

> "That the probable failure of the communication was not, however, brought to the notice of the Duke of Newcastle, until too late to enable him to take measures in England to prevent the serious calamities which subsequently arose."

We have been told to-night that the Report of the Committee is not in some cases strictly borne out by the evidence, and I think I have shown that the charges of the hon. and learned Gentleman are not borne out by the Report. The right hon. Gentleman opposite (Sir J. Pakington) says, he is not to be deterred by any personal feelings from voting in support of the original Motion. As the right hon. Gentleman voted for the Resolution in the Committee, it is not to be expected that he would do otherwise in this House, but he has not very distinctly told us what his object is in so voting. The hon. and learned Gentleman tells us, that his object is to pass a censure on those Members of the present Government who were Members of Lord Aberdeen's Government, but disclaims all party feeling in the matter. If, however, we look to the course which has been pursued on these questions, it is difficult not to believe that party feeling, to a certain extent, has dictated some of these attacks. I remember that at the early period of these discussions we heard of nothing but charges against the Duke of Newcastle and Lord Aberdeen. Those two noblemen were removed from the Government—that is to say, the whole of Lord Aberdeen's Government having paid the penalty of the censure of the House of Commons, and having resigned together, my noble Friend now at the head of the Administration, after two fruitless attempts had been made to constitute a Government, succeeded in forming a Cabinet, which included some Members of Lord Aberdeen's Government. An attack was then immediately made on some of the Members of the new Cabinet, though Lord Derby, so far from thinking them unfit for office, had attempted to include some of them in the Government he was trying to form. On the formation, however, of my noble Friend's Government, a certain number were selected for attack, and they, unfortunately I think, thought it their duty to resign. When they had been removed an attack was next made against a noble friend of mine, the Member for the City of London, and now that he has quitted the Government, the attack is levelled against those other Members of Lord Aberdeen's Government who happen to be Members of the present Government. I beg the House to remember the charges made by the hon. and learned Member for Sheffield. I thought, and still think, that the accusations made against the Duke of Newcastle, the late First Lord of the Admiralty (Sir J. Graham) and the late Secretary at War (Mr. Sidney Herbert) were most unjust and unfounded; and I now congratulate them on the testimony which the hon. and learned Gentleman has borne to the efficiency with which they conducted the departments placed under their respective care. The hon. and learned Gentleman has had the fullest opportunity of investigating their conduct, and he has told us to-night that nothing could exceed their activity and zeal. I can hardly remember all the complimentary phrases in which the hon. and learned Gentleman expressed his entire approbation of their conduct. Well, I always thought that the time would come when public opinion would do justice to the exertions they made last summer; but I confess that, sanguine as I was that justice, however tardy, would be done them, I little expected that it would so soon be proclaimed from the lips of the hon. and learned Member for Sheffield. He seldom is complimentary in his language, and nothing but the entire conviction of their truth could have induced him to pay such extraordinary compliments. Having, then, entirely acquitted from blame those gentlemen who managed the several departments connected with the war, the hon. and learned Member falls upon us, who certainly did not and could not interfere with the management of their departments. Now, I have not the slightest disposition to shrink from any responsibility which belongs to me as the colleague of those gentlemen, but the hon. and learned Member must have strange notions of how the business of Government can be conducted when he says that we are guilty for the mismanagement of those departments which, at the same time, he states were well managed by the persons at the head of them. The noble Duke, the former head of the War Department, was in London, and is praised by the hon. and learned Member for managing his department with admirable judgment and skill, while the noble Lord the Secretary for the Colonial Department, in attendance on Her Majesty in Scotland, is grievously to be blamed for not interfering with the noble Duke in the management of the War Department. My right hon. Friend (Sir J. Graham), the then First Lord of the Admiralty, never left town for a single day except in discharge of his duty, and a compliment is also paid him for his management of his department, and because I, the President of the Board of Control, did not interfere with it I am to be censured. The Secretary at War was also in town doing his duty, and is complimented by the hon. and learned Gentleman; but the President of the Board of Works is highly to be censured to-night because he did not interfere in what was not his business. We are all to be censured for not interfering in what, according to the testimony of the hon. and learned Gentleman, was admirably done by the proper persons. I had not intended to refer to the speech of the hon. and learned Gentleman, but I could not help pointing out the gross inconsistency of his charges. Well, the inquiry being incomplete, as we thought it would be before the appointment of the Committee, and as we now know it is from the Report of the Committee, an hon. and gallant Gentleman has moved the previous question. That hon. and gallant Gentleman is no supporter of the Government, but he took an active part in the Committee, and his Motion is supported by a noble Lord, also an active member of the Committee, who entirely agrees in thinking that, as the inquiry was incomplete, it is impossible to pronounce a fair and just opinion on the evidence. Under these circumstances the Government do not think that they can be justly charged with shrinking from any responsibility properly attaching to them if they concur in the opinion of those hon. Gentlemen, sitting on different sides of the House, that the proposal of the hon. and learned Member for Sheffield is not a fit and proper question to be put to the House.

MR. MILNES GASKELL moved the adjournment of the debate.

VISCOUNT PALMERSTON: I hope that the House will come to a decision upon the question to-night.

MR. DISRAELI said, that he had also hoped the House would have come to a decision on the question that night; but the reason why they could not come to a decision now was, the great delay that occurred before any Member of the Government rose to express his opinions. In consequence of the course which the Ministers had taken, he must confess he could not see how it was possible for the House to come to a decision upon the question that night.

MR. BRIGHT said, he hoped that the Government would not put the House to the trouble of dividing upon the question of the adjournment of the debate. He did not know during the entire Session that they had a matter before them of such extreme importance as the present. He was not an advocate for long debates; but he thought that it was most reasonable to ask for the adjournment of the question. The Government had evidently wished to shirk the question, and had abstained until midnight from declaring what course they intended to take. The debate, he thought, might last a whole week to the advantage of the country.

VISCOUNT PALMERSTON said, that with regard to the observation of the right hon. Gentleman opposite as to no Member of the Government rising early in the debate, there were obvious reasons why they should give way to other persons who desired to express their opinions. If the sense of the House should be in favour of an adjournment, he would not oppose it; but he should have thought that the House was in a very good position to proceed with the debate.

Debate *adjourned* till *Thursday.*

MAYNOOTH COLLEGE—
ADJOURNED DEBATE (FOURTH NIGHT)

Order read, for resuming adjourned Debate on Amendment proposed to be made to Question [1st May]—

> "That this House do resolve itself into a Committee, for the purpose of considering the Acts for the Endowment of the College of Maynooth, with a view to the withdrawal of any Endowment out of the Consolidated Fund, due regard being had to vested rights or interests."

And which Amendment was to leave out from the word "considering," to the end of the Question, in order to add the words "all grants or endowments for ecclesiastical purposes, whether charged on the Consolidated Fund or annually voted by Parliament, with a view to their withdrawal, due regard being had to vested rights or interests," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed*.

Mr. FAGAN moved the adjournment of the debate.

Mr. SPOONER said, there could be no reason why this debate should be adjourned. The question had been discussed very fully, and it was quite clear that any person who wished to have the debate adjourned merely wished to prevent the question being settled. He was only asking leave to bring in a Bill, although it was not likely that he would proceed with the Bill during the present Session. He wished to take the sense of the House whether they approved of the introduction of such a Bill. He hoped that those who agreed with him that this was a question which ought to be settled would vote with him.

Viscount PALMERSTON said, that surely the hon. Member could not be serious in asking the House at that hour of the night (half past twelve o'clock) to resume a debate, which was likely to last many hours. Several Motions had been put off in consideration of the lateness of the hour, and he did not think that the hon. Member could expect them to proceed with the adjourned debate on Maynooth.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided* :—Ayes 97 ; Noes 88 : Majority 9.

Mr. KIRK said, he would now move that the debate be adjourned to that day three months.

Question put.

The House *divided* :—Ayes 93 ; Noes 90 : Majority 3.

The House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, July 18, 1855.

Minutes.] New Member Sworn.—For Norfolk (Eastern Division), Henry Josias Stracey, esq.
Public Bills.—1° Public Houses (Ireland).
2° Convention with United States.
3° Crown Suits.

STANDING ORDERS.

Sir WILLIAM HEATHCOTE brought up the Annual Report of the Select Committee for the Revision of Standing Orders and stated that the alterations recommended were principally to make the Standing Orders of the two Houses as far as possible agree. The chief alteration which the Committee recommended was in the eighth Standing Order—that for the future no Members locally interested should be Members of a Committee on an opposed Bill. In all the changes which had been made for many years past the aim had been to give Committees an entirely judicial character, and that was the object of the proposed alteration. Local Members now stood in the anomalous position of having power to interfere, without any responsibility or share in the decisions of the Committee. In the case of an unopposed Bill, it was referred to the Chairman of Ways and Means, and he was assisted by one of the Members whose name was on the back of the Bill ; but when Bills were opposed, it could only be necessary to resort for advice to local Members in such few instances that they were amply provided for by the power of any Member to attend in any Committee-room. Local Members would not be deprived of any right as Members of Parliament, but would have the opportunity of directing the attention of the House to any mistakes which they conceived the Committee had made in their Report. For these reasons, he should move that the House agree to the recommendation.

Mr. FRENCH said, that without offering any opinion as to the expediency of the proposed alteration, he would beg to direct the attention of the hon. Baronet to the unnecessary fees exacted on the bringing Bills before the House. It was very well known that on that account the undertaking of many useful projects in Ireland had been checked, and that railway enterprise had been most especially discouraged there.

MR. SPOONER said, he objected to the recommendation of the Committee as unconstitutional. It went to deprive local Members of the means of attending to those interests which they were meant particularly to represent—it would lead to great inconvenience on the part of the House, and it would induce to the canvassing for support amongst Members of Committees by the promoters of Bills when they found they were debarred of the presence and assistance of their local Members; and in addition, it would promote the discussion of the Reports of Committees on Private Bills—a result hitherto avoided as much as possible.

MR. LLOYD DAVIES said, he fully concurred in the opinion expressed by the hon. Member for North Warwickshire (Mr. Spooner), in opposition to the proposed recommendation.

MR. BROTHERTON said, he felt great doubts of the expediency of the alteration, as he was convinced many useful Bills would have been lost had not the local Members been present to supply information, which the Committee could obtain from no other source. If local Members were deprived of the power of taking part in the proceedings, they would cease to attend the Committees, and the interests of their constituents would in many cases suffer.

MR. SOTHERON said, he believed the decisions of Committees would give more satisfaction, if, after the parties were requested to withdraw, they did not see that the local Members remained to influence those decisions. It would be far better for the character of the tribunal that information should be given by witnesses, and not by Members, who had no power to give a vote in the Committee. He could assure the hon. Member for Roscommon (Mr. French) that the Standing Orders Committee wished cordially that some means could be found for diminishing the fees; but that question had not been referred to them. As to protecting the public against the arrangements of rival parties, whose interests were distinct from the interests of localities, he considered it part of the duty of every Committee to watch over the public interests. He hoped the House would agree in the alteration, and, in future, exclude local Members from Committees on opposed Bills.

MR. BARROW said, he would suggest that local Members should be permitted to be present in Committees, in order to ask questions and hear the discussions, but should be excluded, together with the public, when the Committee came to consider a Report.

MR. BOUVERIE said, he thought that, carrying out the principle which had been acted on for some years of making Committees as independent as possible, it would be right to exclude all members locally interested from taking part in the proceedings of Committees. Local members ought to be excluded, because, as judges, they were not to have a voice; as advocates, they would be objectionable, because no opportunity would be afforded for replying to their arguments; and, as witnesses, they would be obnoxious to the same objection that the other side could have no opportunity of cross-examination. He did not think the presence of local members was at all requisite, as in the cases of Railway Bills, where local interests were left unrepresented on the Committee, no complaints had ever been made that local interests had suffered thereby.

SIR ROBERT FERGUSSON said, he differed from the opinions expressed by the right hon. Gentleman. Local members were excluded from Railway Committees because the local interests affected by those Bills were so extensive that they could not be completely represented. He thought upon Private Bills the presence of local members was an advantage, and therefore he hoped the House would not deprive them of the power of examining witnesses.

MR. DEEDES said, he was of opinion that local interests would not be left unguarded by the proposed change, and he would recommend the hon. Member for North Wiltshire (Mr. Sotheron) to adopt the suggestion of the hon. Member for South Nottinghamshire, Mr. Barrow.

SIR JOHN DUCKWORTH said, that as Chairman of the Committee, he would support the suggested alteration; but at the same time he must confess that he was much surprised the country had not taken exception to the present practice long ago.

LORD SEYMOUR said, that the reason why local representation was admitted was that the Committee should have the best information on the subject before them. Another reason was indeed alleged—that of the constitutional right of Members. He thought the best system to adopt was to exclude local members altogether, and to examine them as witnesses if they had any information to give.

Mr. MUNTZ said, he concurred in the recommendation to exclude local members, and would take that opportunity of remarking that he considered the present system of examining witnesses before Committees of that House to be extremely objectionable. He believed that persons examined in that House without the administration of any oath gave very different evidence from that which they would give before the House of Lords, where they were sworn.

Mr. HADFIELD said, he thought that some steps should be taken to relieve private parties, whose interests were affected by private Bills, from the heavy expense to which they were now subject.

Sir WILLIAM HEATHCOTE said, for the sake of unanimity he was willing to adopt the suggestion of the hon. Member for Nottinghamshire (Mr. Barrow) as a step in advance, for he believed that it could not be a final arrangement.

Sir GEORGE GREY said, if the hon. Chairman of the Committee assented to the suggestions of the hon. Member for South Nottinghamshire he (Sir G. Grey) should not dissent, but he really thought the preponderance of argument was in favour of the proposal of the Committee. He thought it would be humiliating to Members of that House to be allowed to attend upon Committees, but to be turned out of the room whenever the public was ordered to withdraw. If the principle was to be adopted that local members were not to influence Committees, except as witnesses, then they ought only to be allowed to appear as witnesses. The majority of the House appeared to be in favour of the Resolution of the Committee of Revision, and he thought it would be desirable to come to a decision upon that point.

Mr. ALCOCK said, he differed from the hon. Member for Birmingham (Mr. Muntz), with respect to the administration of oaths, and thought the proper alteration would be to abolish the administration of oaths in the House of Lords, and thus harmonize the practice of the two Houses.

Mr. THORNELY said, he could not help thinking that some advantage was derivable from the presence of local Members upon a Committee, although that position was disagreeable to the hon. Members themselves. He thought local Members ought not to be called upon to retire from the room when the public were excluded, but they should withdraw to a distant part of the room, so as not to take part in the discussions of the Committee.

Mr. ROBERT PHILLIMORE said, he regarded the subject as one of considerable importance, as affecting the purity of the decisions of that House. The presence of local Members was undesirable, and he considered it would be useless to adopt the suggestion of the hon. Member for South Nottinghamshire, as it would fail to produce unanimity upon the present occasion.

Sir HENRY WILLOUGHBY said, he wished to ask whether, if Members were to be called upon to give evidence as witnesses, they would be required to pay the fee of three guineas for the privilege? He wished the House would turn its attention to the enormous expense attending proceedings before Select Committees.

Mr. APSLEY PELLATT said, that in a case in which his constituents were concerned, the amount of fees which were required to enable the parties to appear, either by themselves or counsel, was tantamount to a denial of justice.

Motion made, and Question put—

> "That the Committee on every opposed private Bill (not being a Railway, Canal, or Divorce Bill), or Group of Bills, shall be composed of a Chairman and Four Members not locally or otherwise interested in the Bill or Bills in progress, to be appointed by the Committee of Selection."

The House *divided*:—Ayes 80; Noes 57: Majority 23.

Certain Standing Orders were then *repealed*, and new Orders, as reported by the Committee, *agreed to*.

EPISCOPAL AND CAPITULAR ESTATES BILL.

Order for Committee read.

The Marquess of BLANDFORD said, that, considering the state of the public business, and the impossibility of carrying the Bill to a successful termination during the present Session, he did not feel justified in taking up any further portion of the time of the House; he would beg, therefore, to move that the Order for the House to go into Committee be discharged. The House would, perhaps, permit him to make one or two observations connected with his reasons for taking that course. In the first place, however, he wished to correct a statement made by him on moving the second reading of the Bill. On that occasion he stated that the incomes of certain Chapters were of a certain amount, while the sums expended by those Chapters in charities were of another certain amount. In those instances he committed the error of stating the gross income instead of the net. He had since received communications which would enable him to correct the error. In 1852 the gross income of the Chapter of Winchester Cathedral was 22,878*l.*, the net income was 18,085*l.*, and the grants for charities, &c., amounted to 1,036*l.* The gross income of the Chapter of Ely was 16,214*l.*, the net average income for the last seven years was 11,766*l.*; the grants for charities, &c., averaged for the last seven years about 600*l.* The gross amount of income of Canterbury Cathedral, for 1852, was 25,211*l.*, the net income was 20,972*l.*, and the amount of the grants was 1,306*l.* The gross amount of income of Durham Cathedral was 57,801*l.*, the net income was 47,304*l.*, the average amount of annual grants for the last seven years was about 2,000*l.* The gross amount of income of Westminster was 30,657*l.*, the net was 24,696*l.*, the average amount of annual grants was about 700*l.* After the second reading of the Bill he was requested not to go into Committee until after the Cathedral Commissioners should have made their Report. He complied with the wish of the House in that respect; although he had, at the same time, felt fully persuaded that the Report of that Commission would not throw any practical light on the provisions of the Bill: and, in confirmation of the accuracy of that opinion, he appealed to the result, that Report being now before the House. But the delay thus occasioned was the principal cause of his now being unable to proceed with the Bill in Committee. There appeared to him to be, however, one essential fault in that Report—namely, that it was exclusively confined to the interests of the cathedral establishments, passing over altogether every consideration connected with the parochial interests of the country. That Report proposed to take those funds which Parliament had already set apart for the purpose of augmenting small benefices, and apply them to capitular purposes. However important those capitular institutions might be, they ought not to be dealt with to the exclusion of other, and, he believed, infinitely more important interests connected with the Church. With regard to the body in whom it was proposed to invest the administration of the estates under the Bill, he must own that he did not, on consideration, believe that it was of sufficient strength to undertake the larger duties which would be confided to it. That was a point which deserved the most serious attention of the House. It would be most impolitic and unwise for the House to proceed with a measure of such importance until it should be clearly ascertained that the body to whom those duties were to be entrusted was suitably constituted for that purpose. Neither could he conceal from his mind that exception might be fairly taken to the expenses likely to be incurred by the plan at present proposed; and, altogether, he was of opinion that the Commission, as at present constituted, did not possess that confidence on the part of the public which a body entrusted with such important duties as his Bill would create ought to possess. The Commission ought to be put on such a basis, and to be constituted in such a form, as should ensure to it the confidence of the country. He hoped, therefore, that during the recess Her Majesty's Government would take into their most serious consideration a matter having, as it had, the closest bearing upon the best interests of the country, and that they would be prepared with a plan next Session by which the whole subject might be brought under discussion, and such a Commission be constituted as should be fully competent to perform the important duties required of them. He begged to offer his best thanks to the House for the assistance which had been afforded to him in his efforts to bring the measure to its present stage, and would conclude by moving that the Order of the Day for going into Committee be discharged.

SIR GEORGE GREY said, he thought the noble Marquess had exercised a wise discretion in having determined not to proceed further with the Bill that Session, considering the many important Amendments of which notice had been given, and which, if discussed, would have afforded very little chance of the measure obtaining the assent of Parliament before the prorogation. Under the circumstances, he would not say a word on the subject of the Bill itself, but he entirely concurred in what had fallen from the noble Marquess as to the importance of maturely considering the constitution of the body to whom was to be intrusted the discharge of the onerous duties which such a measure would impose. He believed that the Church Commission of 1851 had been productive of the most beneficial results. If the Bill had been proceeded with, and these new duties had been imposed upon that Commission, it would have been matter for consideration whether they would be able to perform those additional duties in a satisfactory manner. The subject, undoubtedly, was worthy of the attention of the Government during the recess, and the House should have an opportunity of making every possible inquiry into the operation of the Church Commissioners, and into the principles on which they had proceeded in the administration of ecclesiastical property. There were other measures having a bearing on the same subject, such as the Church Building Act, and the Act relating to the subdivision of parishes. It might be a question whether the duties created by those Acts might not be placed in one and the same body; but it would be wrong to impose them on the Ecclesiastical Church Commission without some revision of that body being first made.

Mr. LIDDELL said, he was glad to hear the right hon. Baronet intimate that a Commission of inquiry ought to be instituted into the proceedings of the Ecclesiastical Commission. He must, however, take exception to one remark which fell from his noble Friend (the Marquess of Blandford). He could not agree with the opinion which his noble Friend had expressed that the Report of the Cathedral Commission had thrown no new light upon the subject which the Bill of his noble Friend embraced.

Mr. SPOONER said, he trusted that when the noble Marquess again introduced his Bill he would make some provision for protecting the rights of the lessees under the Church.

Mr. APSLEY PELLATT said, he was glad that the noble Lord had, for that Session at least, withdrawn the Bill, to which he (Mr. Pellatt) entertained the strongest objections. The Ecclesiastical Commissioners had, in his opinion, betrayed their trusts by taking Queen Ann's Bounty, which was intended for the benefit of the working clergy, and appropriating it to the building of bishops' palaces.

The CHANCELLOR of the EXCHEQUER said, that as the noble Lord had determined to withdraw the Bill, he thought it was very inconvenient to continue the discussion.

Mr. ROBERT PHILLIMORE said, he considered that the noble Lord had made an unfair attack upon the Report of the Cathedral Commission, and he should be sorry that the observation of the noble Lord should go forth to the country without any counter-statement. That Report had, at all events, established one important fact—namely, that the parochial institutions and episcopal institutions of the country were not at variance, but were in harmony with each other.

Order of the Day for going into Committee discharged.

DWELLINGS FOR LABOURING CLASSES (IRELAND) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. M'MAHON moved, that the House go into committee on that day three months. The object of the Bill was to give greater facilities for evicting cottiers from their dwellings. The law afforded ample facilities for that purpose already, and did not require to be made more stringent. The measure was originally introduced by the right hon. Baronet the Member for Canterbury (Sir W. Somerville), who, when Secretary for Ireland, was the promoter of some of the most mischievous Bills that were ever passed against the interests of that country.

Mr. DE VERE, in seconding the Amendment, said, that in his opinion, the Bill ought to be entitled one for giving facilities of ejectment to landlords, which was a principle that the House ought not to sanction.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir WILLIAM SOMERVILLE said, he gave full credit to the opponents of the Bill for honesty of purpose, but he avowed that his only object was to improve the condition of the dwellings of the people, which was at present a disgrace, not only to the country, but to humanity. He must also deny that the effects of the measure would be to increase eviction and misery. The present condition of the law was the only cause of the continuance of such a state of things, for such was the delay in recovering possession by the landlord, such the annoyance, the expense, and the uncertainty, that he would not provide a proper description of habitation for his tenants. The first attempt at legislation, in respect to the subject now before the House, was by the insertion of a clause in the Act for the abolition of arrest for debt for sums under 10*l.*, the working of which clause had been most beneficial; and, in reply to certain questions put relative to that clause, Mr. Porter, the chief magistrate of Dublin, had stated that such had been the difficulty experienced by landlords in recovering possession, that large numbers of honest artisans in Dublin had been obliged to sleep in the streets and lanes of that city. There were various modes by which tenants were occasionally got rid of. In some cases landlords, who obtained access to the apartments above, tore up the boards and deluged the rooms with water, while those below broke holes in the ceiling and suffocated the occupants of the rooms above with burning straw. Another communication stated that a landlord who did not wish to incur the expense of a regular eviction intrusted the affair to an agent, who first removed the sashes, but, the tenant still remaining, he then removed the door; still the tenant would not stir, and at length, having put up the shutters and stopped the chimney, he fumigated the room with burning sulphur, and thus got rid of the occupants. Although such practices might not be resorted to in rural districts, the landlords refused to repair the houses, trusting to the tumbling of the roof, or the building becoming a mass of ruins, to get rid of the tenant. The consequence was, that the hovels were in a state of filth, dirt, and degradation, and if the present measure could in any way increase the misery of the poor, he would sooner cut off his right arm than have introduced it. So far from it being a Bill which would give a greater facility to evictions, he believed that its adoption would tend materially to diminish them.

Mr. J. D. FITZGERALD said, that everybody must be satisfied that nothing but motives of humanity, and a desire to extend protection to the labouring classes of Ireland, who were more unprotected, even, than the tenantry, could have influenced the right hon. Baronet (Sir W. Somerville) in the introduction of the measure now before the House. There were, however, several objections to it. The Bill now before the House was based upon that of 1851, commonly called the Summary Jurisdiction Act. Great objections had been brought against the principle of that Bill, but he inclined to think that the chief difficulties in the way might be encountered by giving an appeal to quarter sessions against the decision of the magistrates. Whilst every inducement ought to be given to proprietors to erect a suitable class of dwelling-houses for the labouring poor, provided with the conveniences which were required with a view to social progress, it was at the same time right to give due facilities for proceeding against the tenant, if he abused the opportunities of his position. He considered that it was most desirable to encourage cottier tenantry, but the objection to town tenancies applied *a fortiori* to country tenancy, and the Bill proposed to place the landlords in the position of Judges in their own cause. That was an objection. He thought also that it would modify the jurisdiction to a right to appeal in all cases at quarter sessions. He had no objection to the extension of the Bill to a new class of tenancies; but he would suggest that the Bill should be applied only to tenancies under 8*l.* a year, in accordance with the former Bill. With those alterations the Bill would be unobjectionable. He thought, however, that it should be withdrawn, for the purpose of introducing those alterations and reprinting it. He was most anxious to carry out the proposition of the right hon. Baronet.

Mr. NAPIER said, he would admit there were two or three small alterations required, which might easily be made in Committee, but he would support the Bill on the ground of the social benefit which it must produce amongst the peasantry of Ireland. It would be advisable to provide that the magistrates deciding cases arising under it should not be justices interested in the premises. He might, perhaps, think some of the provisions of the Bill he had himself introduced three years ago superior; but he was not inclined to offer any obstruction to the measure on that account. Nothing was of so much importance as to elevate the social condition of the people, and the operation of the Bill would unquestionably be favourable to that object, by securing to the labouring classes some little share of the comforts and decencies of life. The Report of the Earl of Devon's Commission clearly showed what lamentable deficiencies existed in that respect in their present dwellings, and if the Bill passed it might be hoped that they would no longer have the pigs and the children huddled together in the same miserable hovel. The Bill provided that something should be done for the labouring classes. The key to the whole improvement of those classes was express contracts, facilities to make them, and facilities to enforce them on both sides. The Bill substantially effected those objects. He believed it was honestly proposed by the right hon. Baronet (Sir W. Somerville), than whom none understood Ireland better; and he hoped there would be a general desire on the part of the House to promote it. He (Mr. Napier) therefore gave the Bill his most cordial support.

Sir THOMAS BURKE said, he gave the measure his most hearty support. He had witnessed some of the most grievous cases of oppressive ejectments made under the present law in times of great distress, for which it was absolutely necessary to provide a remedy.

Colonel GREVILLE said, he thought the measure open to so many objections that it would involve the necessity of redrawing it with a great number of alterations. He should, therefore, support the Amendment for going into Committee on the Bill that day three months.

Mr. H. HERBERT said, he had heard no sufficient objections offered to the principle of the Bill, which he thought a valuable one—that of giving to a landlord who made an improved class of dwellings for his labourers the means of gaining repossession of his property. There could be no greater obstacle to the social and moral improvement of the labouring classes in Ireland than the present state of the law on that subject. The last Report of the Poor Law Commissioners bore testimony to a great improvement in the food and clothing of the lower classes, and also to an advance in the rate of wages, but stated at the same time that there were no signs of any improvement in their dwellings. At present the labourer erected a miserable mud cabin, which it was lamentable to contemplate as a place for the abode of human beings. That was the result of the present system. He earnestly hoped that the House would go into Committee on the Bill, and where the objections to it might be removed by an alteration of details, and the result would doubtless be an efficient improvement on what now existed.

Mr. MAGUIRE said, he thought the period at which they had arrived was too late for making effective progress with the Bill, and that the best course would be for the right hon. Baronet to adopt the suggestion made to him for the withdrawal of it. The question was of too great importance to the welfare of the labouring classes of Ireland, to be disposed of in a summary way, and ought to be settled by a Bill introduced by the Government. The present measure was open to many objections, and, in his opinion, had no chance of reaching the House of Lords.

Mr. GROGAN said, he believed the Bill to be one highly conducive to the interests of the poorer classes of Ireland, and he hoped the Irish Members would not interpose to prevent its passing. There was a general want of the conveniences which the Bill proposed to provide in the houses of the labouring classes in Ireland, and it would, therefore, be a great advantage to them that it should become law.

Mr. KENNEDY said, he objected to such a vast power of removing tenants as that conferred by the Bill being given to the landlords at the present period of the Session. It would be to promote a gipsy population in the country; and he should, therefore, oppose the measure by every means in his power.

Mr. FAGAN said, the great danger of the Bill was to those holders of the franchise in counties who were resident in country towns. The Bill gave the landlord the power to remove them from their tenancy on three months' notice, which would, in fact, enable the landlord to regulate and control the franchise whenever a county election came on.

Mr. HORSMAN said, he could not avoid expressing his regret that they were about to go to a division. The right hon. Baronet (Sir W. Somerville) was entitled to great credit for the effort he had made to improve the existing law, but his measure was open to some objections. The first was, that the Bill should not apply to that class of tenements conferring the elective franchise. The next was, that it should confer a right of appeal to quarter sessions. Were those objections removed, they must all concur in the object of the right hon. Baronet, but if he intended tha they should go into Committee with the view of pressing the Bill in its present shape, he must decidedly object to their doing so. He earnestly hoped that his right hon. Friend would acquiesce in the suggestion made by his hon. and learned Friend the Solicitor General for Ireland.

SIR WILLIAM SOMERVILLE said, it would be useless to assent to any proposal which he thought would defeat the object of the Bill. He should have preferred going into Committee on the Bill, and seeing its clauses discussed. A single instance of the operation of the Summary Jurisdiction Act was not known as regarded the elective franchise. The objection to the Bill, therefore, on that ground was idle.

MR. G. A. HAMILTON said, two objections had been raised to the Bill; but he would ask whether both those objections were not objections most proper to be discussed in Committee? He was satisfied that the feeling of the House would require the insertion of the provisions in question.

MR. SERJEANT SHEE said, he very much admired the conduct of Government throughout the progress of the measure, which was just and equitable, and deserved support. If, however, the important Amendments sketched by the right hon. Gentleman the Secretary for Ireland were not inserted, there could be no hope of the Bill passing that Session. He approved of the objects of the Bill, but unless the propositions of Government were acceded to, he must vote against it going into Committee.

LORD NAAS said, he did not wholly approve of the conduct of Government, and the speech of the right hon. Gentleman the Secretary for Ireland was so mysterious that it was impossible to collect what his vote would be. He believed the Bill likely to contribute to the comfort and happiness of the labouring classes of Ireland, and that it was therefore desirable that it should be passed as soon as possible. He thought it would be quite easy to discuss in Committee the Amendments which it was desired to introduce into it.

MR. F. SCULLY said, he thought it would be better that the Bill should be withdrawn now, and be reintroduced in a more perfect form next Session.

Question put.

The House *divided*:—Ayes 124; Noes 68: Majority 56.

Main Question put, and *agreed to;* Bill *considered* in Committee.

House resumed; Committee report progress.

The House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 19, 1855.

MINUTES.] PUBLIC BILLS.—1ª Treasurers of Counties (Ireland); Sale of Spirits (Ireland); Mortmain; Lunatic Asylums and Regulations Acts Amendment; Dissenters' Marriages; Crown Suits.

2ª Crime and Outrage (Ireland) Continuance.

3ª Dwellings for Labouring Classes; Dublin Carriage Acts Amendment; Christ Church (Todmorden) Marriages Validity; Burial of Poor Persons.

EDUCATION (SCOTLAND) BILL.

Order of the Day for the Second Reading read.

THE DUKE OF ARGYLL moved the second reading of the Bill, the object of which, he said, was to extend, to increase, and, to a certain extent, to consolidate the means of education in Scotland. He was sensible of the difficulty of the position in which he was placed; for he knew that many of their Lordships were keen opponents of this particular measure, and, though it had had some warm friends, he could not hope to insure for any measure on the subject of education any general or party support. He trusted, however, that their Lordships would recollect this fact—that, of the many measures on this subject which had been introduced during the last few years, this was the only one which had successfully fought its way through the other House and come up for their decision; and he trusted, therefore, that they would calmly and dispassionately consider this measure, not with reference to party interest or sectarian prejudices, but solely with regard to its own merits. He asked their Lordships to bring to bear on this measure the following consideration—that all measures of national education must more or less be measures of compromise. He was told that this was a measure which pleased no party in Scotland. This was true; but, so far from deeming this a disadvantage, he considered it a recommendation; for by pleasing parties, they meant pleasing the leaders of parties, who, from their position, were generally obliged to exaggerate their principles, to express them in extreme language, and to adhere to them with extreme pertinacity. He believed that there was a majority of all classes and of all persons in Scotland who would be delighted to see their Lordships sanction this measure, and thereby settle this difficult and complicated question. He was also anxious that their Lordships should dismiss from their minds the supposition that this measure stood in any connection with the many, as he thought, unfounded and exaggerated charges which had been brought against the parochial system of Scotland, for he knew from experience what an effect such a supposition would have on the decision of their Lordships. He had defended, and was prepared still to defend, the parochial schools from many of these charges. This Bill, as stated in the preamble, proceeded on the ground that the parochial system was consonant with the religious feeling of the people of Scotland, and that it must be made the basis of any alteration or extension of the means of education. He might be asked, if he was so satisfied with the parochial system, why did he introduce the present change? It had been admitted that certain changes were rendered necessary from causes which had long been recognised, and partly from causes which had lately arisen. It had long been admitted, firstly, that the salaries of the parochial schoolmasters were insufficient; secondly, that there was a great want of power to dismiss delinquent or inefficient schoolmasters; and, thirdly, that there was a want of retiring allowances for masters who might have been efficient, but who, from infirmity or old age, were incapable of continuing to teach, and who ought to be allowed to retire without losing their means of living. He had heard it objected that this increase of salary was not only unnecessary, but would in some respects be hurtful. He was happy to be enabled to state from the evidence which was given before the Committee of their Lordships' House, appointed to inquire into the duties and salaries of the parochial schoolmasters in Scotland, by Mr. Gordon, Dr. Muir, and others, that the state of education in the parochial schools was just such as to indicate plainly that it was necessary to increase the income and to raise the status of the schoolmaster altogether. With regard to the absence of power over delinquent or inefficient schoolmasters, as the law at present stood, the schoolmasters were nominally placed under the authority of the presbyteries of the Established Church, who could only dismiss them for one of the three following causes,—for immorality, cruelty to the children, or wilful neglect of duty; but for all other causes of inefficiency the presbyteries were precluded from dismissing the schoolmasters. There was another cause which rendered a change absolutely necessary. The salaries, which were declared inefficient in 1845, fell considerably in 1853, because the statute by which the salaries were provided gave them not in money, but in grain. The salary which had of late years been given, on the average which had been struck on the prices of grain for twenty-five years, had been reduced from 34*l.* to 24*l.*, and if this Act continued in force, the salaries would be still further reduced. It might be said—why, instead of remedying existing evils, do you introduce a measure which will upset the parochial system altogether? But he would ask, did this measure upset the parochial system altogether?—did it not rather extend the system and correct some of its defects? Under the parochial system, the heritors and the minister of a parish had the power of electing the schoolmaster, who must declare himself to be a member of the Established Church. The present Bill continued these electing powers in the heritors and minister of a parish, with this important difference, that it proposed to place in their hands the optional power to elect the best schoolmaster they could find, even though he should not be a member of the Established Church. There were strong reasons for giving this optional power. He would not go into the question of the comparative numbers of Dissenters and of the Established Church in Scotland, with respect to which there had been a good deal of exaggeration on both sides; but this he would say, that there could be no doubt of the increase of dissent, and its peculiar distribution in Scotland. In some counties and parishes dissent had made but little progress, and the parochial system had continued to work satisfactorily; but in other parishes and counties the state of affairs was very different. He found that in Caithness there were nine parish schools, attended by 499 scholars, and forty-one dissenting schools, attended by 2,968 scholars; in Sutherland, eleven parish schools, attended by 462 scholars, and forty dissenting schools, attended by 2,716 scholars; in Ross and Cromarty, twenty-eight parish schools attended by 1,497 scholars, and eighty-three dissenting schools, attended by 5,943 scholars; and in Inverness, thirty-two parish schools, attended by 2,165 scholars, and forty dissenting schools, attended by 3,350 scholars. [A Noble Lord: Whence did the noble Duke obtain his figures?] The returns were obtained from Mr. Horace Mann's Report of the Census. [A Noble Lord: Then they are not worth a pinch of snuff:] If these returns were not to be relied upon, he did not know on what returns they could rely; but the case did not merely rest upon this Report, as it was well known that in different parts of Scotland the Established Church had ceased to be the Church of the majority, and the parish churches and schools were almost deserted. He contended that the effect of the proposed change would be advantageous to the interest of the Established Church in Scotland, and also to the promotion of religious teaching. Notwithstanding all the strong language which had been used on the subject, he was prepared to admit that the teaching of the parochial schools had been eminently liberal and unsectarian, and that, of the two, there was more danger of the denominational schools becoming sectarian in their teaching; but there could not be a doubt that the present system of educational grants from the Privy Council had given great encouragement to the establishment of denominational schools, in many cases out of a spirit of rivalry to the parochial schools, in close proximity to them, and without any reference to the educational wants of the district. The result was, that the denominational schools had contrived to secure for themselves a considerable amount of the public grants; and, even in the lowland counties, a very large proportion of the purely denominational schools belonged to the Dissenters from the Established Church. This certainly was not a state of things at all favourable to the Established Church, and a system which would gradually comprehend all schools would be much more preferable for her interests. He did not fear that the effect of the change would be detrimental to the interests of religious teaching in Scotland, because the election of schoolmasters was left exactly in the same hands as at present, and there was no reason to suppose that they would elect men who were unfitted for the office. At present there were a great number of schools in Scotland entirely unconnected with any religious bodies, under the control of mixed bodies; in all of these precisely the same system of religious teaching was adopted, and he could not understand, therefore, why it should be supposed that merely giving an optional power of election to the heritors would have the violent effect of suddenly changing that which had always been the practice in the parochial schools, and which was also the practice in schools entirely unconnected with them. Neither did he believe that the effects of the change would be detrimental to the general interests of education in Scotland. Some persons thought that the abolition of the examination of parochial schoolmasters by the presbyteries and ministers was objectionable; but, without implying that the presbyteries had neglected their sacred duty in this respect, he must say that country clergymen were not the most competent to judge of the abilities of those coming before them as candidates for teaching. Dr. Muir, of St. Stephen's Church, Edinburgh, a most distinguished minister of the Established Church, and inclined to take a favourable view of the existing state of things, stated before the Committee of 1845, that it was quite evident that ministers, long removed from the great towns where improvements in education were going on, were not in all cases the best judges of the fitness of the candidates for the situation of schoolmaster. This opinion did not rest on theory alone. In 1828, a gentleman connected with Scotland, who had made a large fortune in the West Indies, left, by a singular bequest, 180,000*l.*, to be distributed to the parochial schoolmasters of three counties in Scotland—Aberdeen, Banff, and Moray—stating that his object was to raise the literary character of those schoolmasters; and the trustees, in order to carry out the intention of the bequest, felt it necessary not to accept the presbytery examination, but to institute an examination of their own, which had been attended with the happiest result. One of the trustees was examined before the Committee he had just referred to, and stated that the presbyteries were obliged to admit a schoolmaster if he possessed the minimum amount of qualification, whereas the object of the trustees was to obtain the best qualified. The Bill, therefore, proposed to remedy this defect by the establishment of a central Board of Education, which appoint proper inspectors for the purpose of ascertaining the efficiency of the masters. In ninety-nine cases out of a hundred he believed the examination and election of parochial schoolmasters would proceed much as it had done for the last 150 years; perhaps, in a few cases, the master elected might not be a member of the Established Church, but he was quite convinced that the effect of the measure would be to extend the system of parochial schools. There was a provision in the Bill, to the effect that complete statistics should be furnished to Parliament every year of the state of education, and, wherever the inspectors found the means of education deficient, power was given to the Privy Council, following strictly the analogy of the old law of Scotland, to issue directions in reference to the establishment of a school and its support. Ample provision was also made for retiring salaries, partly by the contribution of the Privy Council, and partly by the local authorities. Where new public schools were erected, either by the absorption of existing denominational schools or otherwise, those schools were to be supported by a rate levied on all property in the district; for no one would contend that, because land was the only source of income some 200 years ago, therefore it should now continue to be the only kind of property assessed for public objects. It was, of course, provided that, where a school was erected and supported by rates, in the main the ratepayers should be the parties connected with the management of the school and the election of the schoolmaster; but under the Bill the heritors would have a seat at the Board, both in the capacity of heritors and of ratepayers. Under these circumstances, he did not think that the enactments of the Bill need raise any alarm on the part of those who wished to continue in the main the existing system of teaching in the schools of Scotland. He frankly admitted that no violent or immediate effect would be produced by the Bill, but he thought that no argument against the Bill, but a recommendation in its favour. With respect to the denominational schools, the Bill did not immediately suppress them; but it would extinguish, to a great extent, those set up merely for the purpose of rivalry. What would be the consequence if their Lordships should reject this measure? Let the House remember that it was not a scheme which they could reject merely with the view of falling back on the existing law as satisfactory. They could not stand still on this question, and would be compelled to have recourse to Parliament to pass a measure of some sort. Now, he appealed to those who were hostile to the present Bill, whether a prolonged continuance of the dispute was not likely to prove injurious to the best interests of the country? It was his conviction that the contest, if prolonged, would result in a change much more complete than that now proposed—a change greater than he, for one, would wish to see. His desire was to see the parochial schools of Scotland continued as much as possible in the same hands that now managed them, and he hoped their Lordships would adopt the provisions of this Bill, which were temperate and acceptable to the great body of the people, rather than leave the question to future agitation. In considering the character of the measure before them, he would direct their attention to the divisions upon it that had taken place in the other House. He found that on the second reading thirty-three Scotch Members voted in favour of the Bill, and fourteen against it; that, on going into Committee, thirty-one Scotch Members were in favour of so doing, and fifteen against it; while on the last division that took place—when twenty-four Scotch Members were absent—there voted eighteen in favour of, and eleven against the Bill. This was a proof that their Lordships could not, on any future occasion, expect that a more satisfactory measure would be sent up by the other House of Parliament. With these observations he left the Bill in the hands of their Lordships. Many measures of great importance and utility had been passed by that House during the last fifty years, and he must say that young Members like himself might well be surprised at the debates that had taken place on some of those occasions. On looking back to those debates he had often been struck with the fact, that objections were taken to those measures by wise and good men—men as wise and good as ourselves—but that the arguments they employed bore a strong family likeness to those we were now accustomed to hear with reference to such measures as the present. Nevertheless, those measures had been attended with the greatest advantage to the country, and had produced none of the evils predicted by them. The conviction, he must confess, was growing stronger and stronger in his mind that, with reguard to this question of education, we had all been deterred by difficulties which were not real, and by fears that would pass away.

Moved, That the Bill be now read 2^a.

THE DUKE OF BUCCLEUCH said, he considered himself called on by a sense of duty, being so closely connected with Scotland, to propose an Amendment to the Motion now submitted to their Lordships, and he felt himself perfectly at liberty to take that course, as no one who had a knowledge of his character, and of the interest he had always taken in education, would for a moment suppose that he was indifferent to that subject. It was a question which, even if he had not taken an interest in it for a quarter of a century, would have forced itself upon his attention; for when he was in Scotland, seldom a week or a fortnight passed without the subject of education and the working of the existing schools being brought under his notice. He was, therefore, well conversant with the subject; and, being so conversant, he could not help noticing that the noble Duke had, in the speech just delivered, made a most singular omission—an omission so singular that he thought he must have wished to avoid the subject—he never touched on that which came closest to the hearts of all Scotchmen—the nature of the education to be given. It was religious education that had been the foundation of the parochial system in Scotland; not merely an education which told a man that he should be honest, or he would be punished, that if he committed murder he would be hanged; but an education which improved his moral and religious character. This religious teaching ran through the whole system, and was not shut up in a corner, as proposed by this Bill, to be taught only at certain stated hours—as if secular education must be the great object of man's life and existence. The great end in view was not merely to make a man a good mechanic, a good chemist, or a highly gifted man, but to give him a moral and intellectual training, such as would enable a Scotchman to hold his place in every portion of the globe. In that respect the Bill was strikingly defective. To work out the provisions of the Bill there was to be a Board, the most wonderful ever proposed to be constructed; and this Board was to have the most monstrous powers, not merely with regard to education, but the taxation of the country. To the establishment of this Board he had the most decided objection. He entertained strong objections to the Bill, on the ground that it afforded no security with regard to the religious instruction to be afforded in the schools which were to be established under its provisions; and he had presented to the House a large number of petitions, signed by persons of all religious denominations, all of whom he believed excepted to the measure on the same ground. His noble Friend (the Duke of Argyll) had referred to the authority of Mr. Horace Mann and the Registrar General with reference to the number of schools and scholars in Scotland; but it must be remembered that the Returns being entirely voluntary were necessarily incomplete. A large number of day schools in connexion with the Established Church of Scotland were omitted from the census return, and one-fourth of the number of Sabbath schools maintained by that Church were also omitted—and, in fact, this gentleman's returns were unavoidably defective, both in point of omission and commission. Anybody who knew anything about the subject would bear him out in this—that it was not so much the want of schools that was felt in Scotland as the want of scholars. He had himself several schools upon his estates, but he found great difficulty in inducing parents to send their children to them, and very few children remained at school sufficiently long to receive anything like a good education. This difficulty was experienced, not so much in the rural districts as in those parts of the country where mining operations had been commenced, where large masses of people had been collected, not only from all parts of Scotland, but from England and Ireland as well, and where the great object was to gain money, without any regard for religious or secular education. These persons were too much bent on obtaining money out of the labour of their children to be cognisant of the importance of education. In the case of his own properties he had set his face against this avaricious spirit; and he only regretted that all proprietors similarly situated did not follow the same rule. There were, he must say, some few and honourable exceptions to this rule, in the case of persons who had made provision for the education of the children of those whom they employed. It had been said that the existing parish schools were sectarian in their character; but he would meet that assertion by the statement that 67 per cent of the scholars attending the parish schools were the children of Dissenters from the Church of Scotland. It was a great mistake to suppose that because the parish schools were in connexion with the Established Church, they were of a sectarian character. The great value of the religious test which had existed in the case of schoolmasters was to obtain security for the proper teaching of religion in the schools—there was, at all events, under the old system, a security that the schoolmaster would teach what the people believed to be right. He believed that the feeling against this Bill was daily becoming stronger amongst all parties in Scotland. He disputed the noble Duke's proposition, that if they waited until the next Session, they might have a worse measure proposed to Parliament. It was not quite certain that the existing Government would be in office next Session, and he warned their Lordships to be cautious how they adopted this measure, which had been brought forward by pressure without, and forced on by obstinacy within:—for many Members of the Government would have been delighted if the Lord Advocate could have been persuaded to make those alterations in the Scotch parochial system which might be required in one Bill, and to deal in another with the legislation that might be needed for large towns and populous districts. It would not then have been proposed to destroy the Scotch parochial system, and Parliament would have been united upon the principle at issue. He had taken the warmest possible interest in the subject of education in Scotland, and it was with positive pain and annoyance that he had watched the progress of this Bill, and seen the opportunity thrown away of passing a measure which would have been a real blessing to the country. Their Lordships might, it was true, amend the Bill in Committee, but it would then be too late for another place; he therefore entreated them not to give a second reading to this Bill, and he would move that the Bill be read a second time that day three months.

Amendment *moved*, to leave out "now," and insert "this day three months."

Lord BROUGHAM expressed his regret that upon this the first measure which had come from the other House of Parliament to provide for popular education he was obliged to feel some doubts, although he would not go so far as to oppose it. He was bound to state that he apprehended some difficulties from this Bill; and he hoped that either—if it were not too late to ask—the noble Duke would consent to withdraw the measure for the present, or else, if it were impossible to do that, that their Lordships would give it a second reading, with a view to making such alterations in Committee as would, he was afraid, inevitably lead to its rejection elsewhere. What he (Lord Brougham) would have approved of, was the introduction of two measures—one relating to parish schools in the country, and the other relating to schools in towns and boroughs; two distinct measures, adapted to entirely different circumstances. Last year he suggested this to the noble Earl at the head of the late Government (the Earl of Aberdeen) and he believed it had, so far, the noble Earl's concurrence. But he (Lord Brougham) was not so obstinately wedded to his own view, as to reject a measure having much good in it in other respects, merely because the course which he should have preferred had not been adopted. But there was another important difference between this and other Bills for education. The great thing to be avoided, when we provided the means of planting schools or supporting those already planted, was the risk of diminishing the schools planted by voluntary efforts, or of diminishing the disposition of parents to send their children to school, and the charitable, humane, and useful exertions of the friends of education, who strove to obtain the consent of parents to having their children educated. If care was not taken to avoid this, we should be doing more harm than good. The plan he had always suggested, with regard at least to the burgh schools, was, that their establishment should be perfectly voluntary; that the means of having schools should be within their reach, but that they should not be compelled to establish them, or be compelled to raise the means for establishing them. The voluntary principle was singularly departed from in this Bill. The Educational Board had the power to direct town councils to make a rate for schools; and if they refused, the Board could apply to the Court of Session, and that court could give the Board power to levy a rate. He objected to that action of the Court of Session, as being an unprecedented judicial proceeding. That court would, in fact, have the power of bringing in a Money Bill at the request of the Board, and of arming the Board with the power of carrying it into execution. The consequence of this measure would be to make education upopular in Scotland, inasmuch as it would connect with it the idea of compulsion; and, whatever might be the case in Germany, it would happen in Scotland, as it would in England, that the moment you interfered with parents' authority, and proceeded to raise money compulsorily for the purpose of education, you would make the system obnoxious. That was his fundamental objection to the Bill. Besides that, there was the objection that, their Lordships could not make any alterations in the measure which were likely to be adopted by the other House, and it would be impossible at this period of the Session to pass any other measure on the subject. He, therefore, entreated the Government, not to press this Bill to a division, but to bring in a Bill in their own House next Session, which would not be liable to the same objections as the present, and to leave the pecuniary part of the measure to the other House. This Bill had not conciliated the favour of the people of Scotland; the whole of the Established Church was against it, and the General Assembly had pronounced un unmistakeable opinion upon it. The other body, the Free Church, was by no means unanimous in its favour, and the landowners were also against it. He hoped that his noble Friend would not press it to a division. If he did, he (Lord Brougham) would not vote against it, relying on the bare chance that in Committee they might be able to mould it into a better form by Amendment, which would receive the sanction of the other House.

THE EARL OF EGLINTON said, he should oppose this Bill to more purpose than the noble Lord who had just sat down, for he meant to vote against the second reading. If he thought that the Bill was calculated to encourage a more wide-spread and wholesome system of education in Scotland than now existed, nothing should induce him to vote against it; but he believed that it would have a contrary effect, viewing it as he did as no party question, and looking at it by no means as a bigoted advocate of the rights of the Established Church. He opposed it because he believed that the best interests of Scotland were involved in its rejection. It was proved that this was no party question, by its being opposed by the noble Duke (the Duke of Buccleuch), who did not belong to his (the Earl of Eglinton's) party, by the cheers with which the noble Duke's observations were greeted by the noble Lords opposite, and it could be proved by the votes against it of many of those noble Lords, as well as others who sat on the cross benches; besides which, out of sixteen Representative Peers for Scotland, fifteen were opposed to it; and as the sixteenth was in India, he could not be expected to know much about it. The effect of this measure would be to overturn the whole parochial system of education—a system which had worked most admirably for two centuries—and to secularise the whole educational system of Scotland; and no sufficient grounds were shown for such a dangerous experiment, and such a radical change. The parochial schools were an integral part of the Church of Scotland, were necessary to her maintenance, and were never in a more flourishing state than now. There was one of these schools in each parish, and the average attendance seventy children in each of them. Was it, then, asking too much, or was it unreasonable that it should be asked that those schools should be retained by the Established Church—that one-fifth of the schools should be retained by that establishment, it having within it one-third of the population of Scotland? The members of that Church admitted the desirableness of establishing public schools, and they were ready to assist in instituting them; but they were almost unanimously opposed to this Bill. By this Bill all schools were placed under the control of an Educational Board at Edinburgh, and by one of its provisions a single heritor could apply to the Board, and easily cause a parochial school to be changed into a public school. Then as to this Educational Board—he could not conceive any body more incongruous or less likely to realise the expectations held out than a body so constituted; without local knowledge and bound to administer the schools according to the strict letter of the law, instead of the mild and practical manner in which they were dealt with by the parochial clergy. So much for the parochial schools. Then as to the public schools. He had one prime and insuperable objection to the provisions of the Bill with regard to them, and that was the appointing of different hours for the religious instruction of children of different denominations; thus adopting the Irish system, which had not worked well, and had caused much religious discord. The proposal, too, for the abolition of all religious tests in regard to the persons to be appointed masters was one to which he could not agree upon any account whatever. Again, he objected to the mode in which the school committees were to be constituted. The effect would be, that the whole management would fall into the hands of the elected members, who would drive out the heritors; and the result would be only strife and discord, and a disturbance of the state of religious feeling in Scotland. It could have no other result. He believed the deficiency of the means of education in Scotland had been greatly exaggerated. There were 5,200 schools for a population of 3,000,000, and the average attendance at the schools was one in seven; and when it was recollected that in Edinburgh and Glasgow 84 per cent of the children went to school, it must be plain that it could not be owing to the want of means of education that all the children were not educated, but that it arose from the neglect of worthless parents to send their children to school. Who asked for this Bill? The landed proprietors were opposed to it; the Established Church of Scotland was opposed to it; a large proportion of the United Presbyterians, the third largest religious denomination in Scotland, had declared that no teacher of their communion could act under the Bill. The Dissenters objected to the powers of the Board as opposed to civil and religious liberty, and they also objected to the expense of the system. Who was it, then, that asked for the Bill? It was only the members of the Free Church, and even they were not united in their approval of it. The noble Earl, in conclusion, urged the total absence of the religious element in the Bill, and said, that as he thought that education without religion was rather a curse than a blessing. He hoped their Lordships would save his country from the imposition of a measure which was obnoxious to the greater part of its people, and would be injurious to the best interests of education.

Lord **PANMURE** said, he could not allow their Lordships to come to a division on the question without expressing the regret he felt at the fate which evidently attended the Bill at their hands. It was a matter of concern that a measure relating to the great question of education was not to be discussed in its details, but should be rejected at once. It had been stated that Scotland required no Education Bill at all; but he was one of those who held the opinion—an opinion which was spreading every day in Scotland—that under the present system of education, whether it was by the parochial system, by endowed schools, or by the voluntary principle, Scotland, as a country, was going back in respect of education. The deficiency of education there, was manifest in respect of quality as well as in that of quantity. Whatever might have been the past effect of the parochial system, that system was now doing little to promote Scotland in the ranks of education. It provided no retiring pensions for the schoolmasters, and contained no power of discipline over those masters. As to the tests which the Bill proposed to abolish, he would remind their Lordships that those tests had been already abolished for some two or three years in the Universities of Scotland, and no noble Lord had ventured to say that any detriment to religion or education had ensued in those institutions. The Bill had been called an irreligious Bill — so irreligious that the noble Lord who looked upon religion as one of the bulwarks of Scotland's freedom and safety could support it to the least extent. But in the preamble of the Bill the religious instruction of Scotland was boldly and prominently set forward; and every one acquainted with Scotland knew that no system of education would be acceptable to any class of persons in that country which did not carry with it the religious element. There was at present no law in existence which required religious instruction in the parochial schools; why then should they enact by Act of Parliament that which already existed without any Act, and which must always depend on the good feeling and religious sentiments of the people? He (Lord Panmure) looked to the good sense and the religious feeling of the people of Scotland to guard religious instruction in their schools, far better than could be done by any law, no matter how stringent. Instead of overthrowing the parochial system, this measure would strengthen it. It would also have a tendency to reconcile religious differences. So long as the children were educated in denominational schools, so long would sectional denominations rise with the rising generation; but if you could contrive that all the children should be educated together on a common system, there would be a chance that something like uniformity of religion might be restored. Whatever might be the fate of this Bill, he was satisfied no educational measure would prosper in Scotland which did not at least empower the people to have a voice in the election of a schoolmaster. Great stress had been laid upon the compulsory provisions of the Bill. In his (Lord Panmure's) opinion, education would never be completely carried out until the attendance of children at the schools was made compulsory. He hailed this measure with satisfaction, as the first Education Bill which had passed the other House of Parliament. He believed that the principle on which it was based was popular with the majority of the people of Scotland, and though their Lordships might refuse to pass the present Bill, he was satisfied that eventually a measure of this kind would be carried. A great majority of the Members of the other House belonging to Scotland, and a vast majority of the laity of that country, were in favour of some measure similar to this, and he thought that the Established Church would do wisely in not continuing its opposition. The more opposition there was raised to it, the greater would be the prejudice excited against the National Church, which, though he dissented from it, he was not anxious to destroy. By making a claim to the exclusive control of the whole national education, that Church would do more to pull down her own walls than any hostile hand could possibly effect.

THE EARL OF HADDINGTON said, he should like to know where his noble Friend (Lord Panmure) got his law, when he said that there was no law to make religion be taught in the parochial schools? It was, at any rate, the law of the Church, [Lord PANMURE: Hear, hear!], and had been always observed, and he was informed that there was an old Scotch Act, setting forth that religion should be taught in the schools. It was provided by statute that the schools were to be under the direction and control of the Established Church, and, therefore, it was plain that the teaching of religion was obligatory.

THE DUKE OF ARGYLL said, he had in one respect been disappointed with the discussion on this Bill, because it had not, as he had expected it might, given the people of Scotland to understand to what sort of measure the House would assent. The objections of his noble Friend extended to all the principles on which it was possible to found a national system of education. At the same time it could not be denied that a number of conflicting Amendments had been introduced into the Bill in the other House, and that the effect was that some of the clauses did not run together. It was perfectly true that there were several of those clauses which, in Committee, their Lordships might see it right to amend, and, certainly, they ought not to be precluded from doing so. With reference to the question of religious education, and the demand that a fixed principle should be laid down on this point, he begged to say that no Government would ever be able to carry a measure through both Houses of Parliament which would settle by statute what particular catechism was to be taught in the schools. Then, as to dividing the Bill into two, such a proposal would never be satisfactory to the people of Scotland, for a change was required both with respect to burgh and parochial schools. Would noble Lords opposite allow an optional clause by which heritors might elect a Dissenter as schoolmaster to a parish school if they thought fit? If not, then the conclusion was, that they were willing to pass a measure for burgh, but not to pass the same measure for parochial schools. Looking at the various objections that had been taken, and the improbability of their being able to carry through the measure, being satisfied, at the same time, with the discussion that had taken place, and not wishing to damage the cause of education by unduly pressing the question, he begged to withdraw the Bill.

THE LORD CHANCELLOR then put the question, observing that, since the Motion had been made for the second reading, and the Amendment for reading the Bill a second time that day six months had been proposed, leave had been asked to withdraw the measure.

THE DUKE OF RICHMOND objected to the withdrawal of the Bill.

On Question that "now" stand part of the Motion?

Their Lordships *divided:*—Content 1; Not-Content 86: Majority 85.

Resolved in the *Negative;* and Bill to be read 2^a on *this Day Three Months.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, July 19, 1855.

MINUTES.] PUBLIC BILLS.—1° Customs Laws Consolidation; Cusoms Tariff Acts Amendment and Consolidation.
2° Public Houses (Ireland).
3° Downing Street Public Offices Extension.

THE ARMY IN THE CRIMEA—SEBASTOPOL COMMITTEE—ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming adjourned Debate on Question [17th July], That the Question then proposed be now put—

> "That this House, deeply lamenting the sufferings of our Army during the Winter Campaign in the Crimea, and coinciding with the Resolution of their Committee, that the conduct of the Administration was the first and chief cause of the calamities which befel that Army, do hereby visit with severe reprehension every Member of that Cabinet whose Counsels led to such disastrous results."

Previous Question again proposed—"That that Question be now put."

Debate *resumed.*

MR. MILNES GASKELL said, it appeared to him that the real question before the House, if stripped of the various disguises with which it had been found convenient to surround it, was a very simple one. It was whether the majority of the House of Commons which had voted with the hon. and learned Gentleman (Mr. Roebuck) for the appointment of the Sebastopol Committee was prepared to ratify the decision at which that Committee had arrived. The Committee had been appointed by an immense majority; a most arduous duty had been imposed upon them—a duty which in his (Mr. Gaskell's) opinion they had discharged with great fairness and great ability—abstaining, and justly abstaining, as far as possible, from the inculpation of absent men, but not hesitating to affix blame in other quarters where they had thought blame was due; and not shrinking from the expression of their opinion that Her Majesty's late Government had been primarily responsible for the difficulties and disasters which had occurred. He owned, however, that he should have been better pleased, if the language of the Resolution before the House had been somewhat different—if it had been directed somewhat more distinctly against the head of the Administration which it censured, and somewhat less invidiously against other Members of the Government—but if the only alternatives that were before them were on the one hand the adoption of this Resolution, as worded by the hon. and learned Gentleman, and on the other hand a vote of confidence in the late Administration, or a refusal to express any opinion upon the subject, he for one could have no hesitation in preferring the former of those alternatives. He thought it was impossible to read the evidence which had been taken before this Committee without joining in the conclusion to which they came—without a deep conviction that to the conduct of the late Government the disasters which had occurred had been mainly owing. A noble Lord, who had spoken below the gangway the other night (Lord R. Cecil), had told them that errors of judgment ought not to be severely visited, and so far he concurred in opinion with the noble Lord. Undoubtedly there might be errors—even great and grievous errors, and, it might be, most calamitous in their results—which it would neither be just nor generous so to visit; but those must be errors arising from circumstances against which no human foresight could be expected to guard, and they must be redeemed by efforts—earnest and persevering efforts—to redress the sufferings they had caused. He could not say that he thought the errors which had been committed by the late Administration had been errors of this description. He did not think that either the lukewarmness and hesitation which had been shown at first, or the neglect and mismanagement which had followed, could be palliated on such a plea: he could not think that such an error as that of sending peremptory orders to our generals in the East, when the Government was in a state of utter ignorance as to the resistance to be encountered, and the difficulties to be overcome—he could not think that the invasion of a distant country under such circumstances, without making the largest and amplest provision for a winter campaign, were errors which admitted of excuse upon such a ground. Nor was he of opinion that earnest or persevering efforts had been made by the Government to repair those errors. He was not speaking of the private exertions of individuals—the exertions of his right hon. Friend the Member for Wiltshire (Mr. S. Herbert), and of others, had been beyond all praise in that respect—he was speaking of the conduct of the Government as a Government, and he must say he had been staggered by the fact—a fact which had appeared in evidence before the Committee, and which the Committee had noticed with regret—that for a period of nearly two months, at the very time when the safety of our army had been endangered by the conduct of the Government, the situation of affairs had not been thought of sufficient gravity by the noble Earl, the first minister of the Crown, to require a meeting of Her Majesty's advisers. He (Mr. Gaskell), believed that he was expressing the universal feeling of the country, when he said that it would have been well to have given the appearance of ministerial sympathy at such a time, even if no great practical benefit could have ensued. But a still greater and more fatal error than any to which he had referred, had been the total want of any definite or intelligible policy in regard to the war itself. That no doubt had been partly owing to the composition of the Government—a Government in which every conceivable opinion had been represented, both with respect to foreign and domestic policy—a Government which had included the friends of absolute sovereigns, and the friends of oppressed nations—and which though no doubt containing men of acknowledged ability and of great experience, appeared to him to have been incapable either of unity of purpose, or of unity of action from the vice which had been inherent in its formation. He held that for this evil, the first Minister of the Crown was, in the main responsible ; a large portion of responsibility might attach to others, but it was the province and the duty of the first Minister of the Crown to guide, to animate, and to control—and if he failed in the performance of that duty, he was not worthy of the post in which his Sovereign had placed him. What the country wanted, was an intelligible policy. He (Mr. Gaskell), honoured the men who had from the first protested against this war: they were a small minority in that House, but they yielded to few in eloquence, in earnestness, or in ability. And he entertained the sincerest respect for those who held that we were engaged in a great struggle for the liberties of Europe, and that no stone should be left unturned, no resource untried, to bring it to a successful issue. But a policy which halted between these opinions—a policy paralysed by indecision —a policy which involved this country in a desolating war—and could hardly explain to Parliament the grounds upon which the war had been undertaken, appeared to him (Mr. Gaskell) to be the worst and weakest policy which cabinets or statesmen could pursue. It was not to themselves alone that they owed an explicit declaration of opinion upon this question : they owed it also to the memory of brave and devoted men who had sacrificed their lives in the service of their country, and who, although no blame could attach to them for the calamities which had occurred, had unhappily been involved in those calamities by the misconduct of others — men who had performed prodigies of valour and prodigies of endurance — men of whom it might have been said with truth when they left the shores of England—

> " Nil Claudiæ non perficient manus ;

if it could have been added—

> " Quas . . . . curæ sagaces
> Expediunt per acuta belli."

Yes, it was due to the memory of those men that the responsibility for these disasters should be apportioned justly—and, above all, it was due to the memory of a great man, who was now no more—who had been ordered to undertake an expedition which his judgment condemned, and who had pursued the path of duty through evil report and good report with such calm and unshaken fortitude. For these reasons he (Mr. Gaskell) could not vote for the Amendment of the hon. and gallant General (General Peel), and still less could he concur in the proposal of the Member for Cambridge (Colonel Adair). He felt that he was bound to record his vote in favour of the original resolution, believing with the hon. and learned Gentleman (Mr. Roebuck) that the conduct of the late Administration had been the chief cause of the calamities which had occurred. Such, too, he believed to be the almost unanimous opinion of the country, and if the majority of that House had courage enough, and self-respect enough to act in accordance with its convictions, he also believed that it would be the declared and deliberate verdict of the representatives of the people.

THE ATTORNEY GENERAL : Sir, any one who came into this assembly for the first time, ignorant of what has been going on among us during the last few months, and who listened to the speech of the hon. Gentleman who has just sat down, must have thought the transactions which he was inquiring into had reference to an existing Administration, and not to one long past and gone. The hon. Gentleman has pointed out in what respect, in his opinion, the head of the Administration of that time, when the events to which the Motion has reference occurred, was guilty of an omission of duty. One would suppose from that speech, that the head of the Administration referred to was the noble Lord now at the head of the Government (Viscount Palmerston), and in that respect it appears to me that many of those who have taken part in the debate have fallen into a similar error. They have totally omitted to take into consideration the position of this noble Lord and of this House itself. One thing I think the House must take into its very serious consideration, whether they can, after the course of conduct which they have pursued, the attitude they have assumed towards the existing Government, in common fairness and justice now seek to visit with censure the noble Lord at the head of this Government on account of transactions which took place anterior to the formation of the present Government? It must not be forgotten that the transactions now under discussion are all antecedent in date to the formation of the noble Lord's Government. It must likewise be remembered that the noble Lord did not seek office, he did not succeed to office immediately on the dissolution of Lord Aberdeen's Government. When that Government fell under the consciousness of a want of confidence on the part of this House, implied by a determination to institute an inquiry, by means of a Select Committee, into the conduct of the war, Her Majesty, in accordance with constitutional custom, laid her commission upon the noble Earl (the Earl of Derby), the great leader of the Conservative party, to form an Administration. He undertook the task and failed. The leader of the Conservative party was not then prepared to take upon himself the responsibility of Government, not from their philosophical indifference to office—no one can accuse them of any lack of effort to form an Administration—not from any want of readiness to make all necessary sacrifices to achieve that most desirable end, for they even sought the co-operation of the noble Lord now at the head of Her Majesty's Government—they were prepared to adopt him as their Parliamentary leader in this House, and this too with a perfect consciousness that this inquiry was pending into circumstances which had occurred before that time. Nay, even the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) was willing to forego those well-founded pretensions to that leading position in this House for which his transcendant abilities as a Parliamentary orator have so preeminently qualified him. More than that, the right hon. Gentleman was prepared to sit in the same Cabinet, on the same benches with hon. Gentlemen, who are known to entertain towards him deeply rooted feelings of animosity on account of the insults and contumely which, in the face of the House, he heaped upon that great statesman now no more, whose name as a party they bear, and who must be the idol of their fondest attachment and veneration. I allude to these things to show that it was no indifference to office which induced the Conservative party to decline to form a Government. They did decline—they admitted their incapacity to form an Administration at that time. Under these circumstances, from one end of the country to the other, all men called upon the noble Lord (Viscount Palmerston) to undertake the formations of a Government—to put his hand to the helm to steer the vessel of the State safely through the quicksands and dangers which surrounded it. What was the language and the attitude of Parliament and this House? Had this House excepted to the noble Lord on the ground that he had been a member of the former Government, the misconduct of which was still a subject-matter of inquiry in a Committee of that House? By no means. Did any one suggest that, as the noble Lord had been a Member of that former Government, his Administration would only be tolerated by the country on condition that the preceding Administration should come unscathed through the ordeal of inquiry? It never occurred to any one. On all sides we heard only the language of adhesion. There was a general acquiescence in the noble Lord coming into office. The language of party seemed silenced and the language of faction was unheard. It was agreed on all hands that there should be one common purpose—that as long as the Administration of the noble Lord conducted the war with vigour and unabated energy, exhausting all the resources of the country in the prosecution of that great purpose, no factious opposition should be offered to the noble Lord. Such was the language which was held on all hands upon the noble Lord's accession to office. I ask whether this House, having adopted such an attitude, and the very opponents of the noble Lord having promised a generous forbearance under the difficult circumstances of the case, it occurred to any man at that time that if the result of the inquiry of that Committee should be, that the late Government were chargeable with inefficiency, the noble Lord at the head of the present Government should be held responsible for the shortcomings of his predecessors? I say that Parliament ought to give the noble Lord every support, and, if I may use a lawyer's language, that you are "estopped" from going back to transactions which occurred previously to the formation of the Administration of the noble Lord. Is it consistent with justice, or even with ordinary fair dealing, that he should be held responsible, should be stigmatised with the brand of Parliamentary censure, and should be expelled from office on account of transactions which happened at the period referred to? Under what circumstances does the hon. and learned Member for Sheffield bring forward this Motion? What is the course he has pursued? What are the arguments he has urged in its support? The hon. and learned Gentleman says that he was indignant at the recollection of the sufferings of our brave army, and that he is determined that no one who took part in the management of the affairs of the country at the time the army experienced those sufferings should escape censure. If that be the true motive which actuates the hon. and learned Gentleman, one would suppose that those would be the objects of his censure who were at the head of the departments to which the management of the war was principally intrusted. The hon. and learned Gentleman arraigns the prisoners at the bar of this House, and at the bar of public opinion. Those who were at the head of the different departments of the Administration are, he says, the principal offenders; the other Members of the Government are insignificant, though they shall not escape for that. He arraigns them in their order. First comes the noble Duke (the Duke of Newcastle) then at the head of the War Department; and what says the hon. and learned Gentleman of him? "I have nothing," he remarks, "to say against this excellent man." [Mr. ROEBUCK: I never said that.] You said that which was equivalent to it. You said that he had been indefatigable in the discharge of his duties, [Mr. ROEBUCK: Hear, hear!] constant in his attendance, unremitting in his exertions; that he had done all that could be done under the circumstances. [Mr. ROEBUCK: No, no!] The hon. and learned Gentleman asks for no censure upon him. Next, he takes the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert), and he used the same description of language towards him. He, too, had been indefatigable in the discharge of his duties—he had been constant in his attendance—he had been unremitting in his exertions—he had had no other desire than to maintain the honour of his country; and, if he had committed some errors, they were amply atoned for by his kindness of heart. Then the right hon. Baronet the Member for Carlisle (Sir J. Graham), comes under consideration, and, with regard to him, the hon. and learned Gentleman says he has committed many errors; he has sent ships that were too big to the Baltic; he has done many things which ought not to have been done; but then, says the hon. and learned Gentleman, he has been animated by so burning a sense of public duty that I cannot find fault with him. In short the language of the hon. and learned Gentleman was rather that of eulogy and laudation than of condemnation and censure. But there is one man on whom the hon. and learned Gentleman seeks to direct the full force of Parliamentary and public censure. To be sure, he is a man who had nothing to do with the management of the war [*Cries of* "Oh, oh!"] so far, at least, I mean, as our army in the Crimea is concerned, which is the immediate object of the present inquiry. His administration regarded the interior of the country, the maintenance of peace and order, the due administration of the law, the vigilance and efficiency of the police, the suppression of nuisances—in short, that man was the Home Secretary. Yet that man was made the mark of censure by the hon. and learned Gentleman. Why do you seek to mark him out above all others? Why is he to be pulled down to display your indignation at the sufferings of the army, when you can find the language of flattery and eulogy for the heads of the great war departments? The reason is obvious? it is because he is the Prime Minister—the Prime Minister of England; it is because you desire to upset his Government, and substitute for it a Government chosen from Gentlemen on the opposite side of the House. The hon. and learned Gentleman's political predilections and partialities are pretty well known by this time. He sits upon this side of the House, but his sympathies and aspirations are upon the other, and I cannot help saying that I think he would save himself a great deal of trouble if he would take his seat there, because, as it is, he has to go backwards and forwards to hold constant communications, and to hold conferences in the lobbies with the distinguished Members of the other side of the House. Does the hon. Member for Hertfordshire (Sir B. Lytton) express a desire to bring forward a Motion involving a vote of censure on the Government on a particular day, which happens to be just previous to the day fixed for the discussion of the Motion of the hon. and learned Gentleman, he is perfectly ready to give way; does the hon. Member for Hertfordshire think proper to withdraw his Motion, the hon. and learned Gentleman is ready to proceed. Nay, it is said, I know not with what truth, that the hon. and learned Gentleman is in alliance, admitted political alliance, with right hon. Gentlemen and hon. Gentlemen opposite. That is no business of mine; he has a perfect right to form what political alliance he chooses, and to bring forward Motions for the purposes of overturning the Government and substituting another. All I want is that we should clearly understand what this Motion really is, in order that we may properly appreciate its character. The hon. and learned Gentleman claims credit for coming forward during a period of great public excitement with a Motion of this character, but I venture to assert —and I do not believe the hon. and learned Gentleman will deny it—that he has brought forward his Motion for a party and a political puspose. [Mr. ROEBUCK.—I do deny it.] If you deny it, I will not question your denial; still, I say, your conduct has been such as to lead to that supposition. But, Sir, I turn from the hon. and learned Gentleman to right hon. Gentlemen and hon. Gentlemen opposite, and I ask, in what position do they place themselves by adopting the course which they are now taking? One of those right hon. Gentlemen (Mr. Disraeli) told us the other day that he intended to support the Motion of the hon. and learned Gentleman below me. But, Sir, a short time since, and subsequently to the transactions with reference to which this inquiry has been made, right hon. Gentlemen opposite were perfectly prepared to associate themselves in Government with the noble Lord at the head of the present Administration; and I take the liberty of asking what—if such an alliance had

been formed, and they were sitting at this moment on these benches under the leadership of the noble Lord—would have been the course which they would have pursued if such a Motion as the present had been made upon the Report of the Sebastopol Committee? Would they, under such circumstances, have abandoned the leader with whom they had just associated themselves; would they have broken up the alliance that they had just formed; would they have put an end to the Government which in co-operation with the noble Lord they were carrying on? No, Sir, nothing of the kind; they would have done all which their ability, their power, and their influence could have enabled them to do for the purpose of resisting and defeating the Motion of the hon. and learned Gentleman. I put it to them as men of candour, I put it to them as Gentlemen, to answer this question, and, if they do, I know that there is but one way in which they can answer it. If that is true, what are they prepared to do upon the present occasion? Why, because the noble Lord at the head of the Government would not form an alliance with them and join them in the construction of a Ministry, they would desire to upset the present Government in order to take their places, and, with no other justifiable motives, are prepared, in the face of the House and the country, to assent to the propositions of the hon. and learned Gentleman. I ask, is such conduct consistent with justice? Am I not justified in asking whether they think it consistent with fairness or that courtesy of feeling which should exist even between political adversaries and members of opposite parties, that they should be called upon to treat this as a mere party question? You are acting here judicially, and with what show of justice can you possibly assent to a proposition which will have the effect of expelling the noble Lord from office by an ignominious Parliamentary censure, when, as I have shown, if he had been a friend and an ally, you would have resisted that proposition with all your ability? I do trust that, although the right hon. Gentleman the Member for Droitwich (Sir J. Pakington) has said that he should take that course, other hon. Gentlemen with whom he is connected will reflect before they follow his example. The right hon. Gentleman has told us that it was not without hesitation that he had come to such a determination, and I can well believe that a Gentleman of his position and character would hesitate and pause before he adopted such a course. Such a proceeding can only be attributed, not to any sense of public duty, but simply to a party and political purpose, seeing that he himself must confess that it is not the course which he would have pursued had he been sitting on this side of the House. When you are trying, then, the character and position of a veteran statesman, who has been serving the country so many years, whose accession to office you yourselves not only sanctioned but hailed with satisfaction, and whose position, if at all involved with his former colleagues, you have condoned—is it fair to adopt a course which you would not have adopted if you had been upon this side of the House? I can picture to myself how these walls would have rung with the eloquent and powerful invective of the right hon. Gentleman the Member for Buckinghamshire against that supposed proceeding if he had been sitting on this side of the House associated with the noble Lord. If right hon. Gentlemen opposite, however, are prepared to persist in supporting this Motion to achieve a party triumph, I appeal from them to hon. Gentlemen opposite who, I am sure, must see the injustice of pursuing a course which not one of them would have thought of taking if the noble Lord had formed one of the Conservative party. I appeal to them fearlessly, because I am convinced that many of them will not follow the course which they are invited to pursue when they see that it is fraught with the grossest injustice. Independently of that, are we, I ask, in a condition to form a proper judgment upon the matter which is now submitted to us? I turn to the Report of the Committee and I find it expressly stated that they have not the means of coming to a conclusion upon the whole circumstances submitted to their consideration; and every speaker who has addressed the House has adverted to the incompleteness of the evidence. I rejoice, and I do not scruple to say so, that that inquiry before the Committee was proceeded with. The result of that inquiry shows that it may be of the greatest and most extensive utility. It has proved the defects of our hitherto existing military system, and it has held out a warning to those who may hereafter be intrusted with the military affairs of this country; but when, beyond that, you propose to make that Report the subject of judicial inquiry here, I submit that you have not the materials before you to enable you to form a correct judgment. The hon. and learned Gentleman asks you not only to adopt the Report, but to go further; because, he says, that the expedition to the Crimea, under any circumstances, was an error deserving reprehension. [Mr. ROEBUCK: No, no!] I certainly understood him to say so. At all events, I think we are now tolerably satisfied that it was accident only which prevented that expedition being at the outset successful. Had it been pushed at the moment after the battle of the Alma, very few people doubt that Sebastopol would have fallen. What then would have been said? By all, the Government would have been lauded and upheld for the boldness and courage of the enterprise. The hon. and learned Gentleman now proposes to take a different course, and to censure the Government for sending the expedition to the Crimea. So, also, he proposes to throw upon the Government the responsibility for all the want of success and all the disasters which have occurred. But that has not always been his view. In the Report which he prepared he proposed to stigmatise with the severest censure that revered commander who is now no more. Then he was of opinion that—

> "The Commander of the Forces, Lord Raglan, by his want of vigour and foresight, is in a great degree responsible for the sufferings of the army. Had the requisite firmness and prudence been shown by him, much of the misery resulting from the want of land transport, from the want of a road from Balaklava to the camp, from the want of an efficient ambulance, from insufficient and improper food, from the want of shelter, clothing, and fuel, might have been prevented. It is but too plain that Lord Raglan did not not keep the Administration at home duly informed of the actual condition of the army under his command. By the statement of Lord Aberdeen himself it appears that the Commander of the Forces failed in this part of his duty, and therefore, in so far as the wants and sufferings of the army resulted from the continued ignorance of the Administration, Lord Raglan is responsible for the misery which was the consequence of that ignorance."

And now, Sir, Lord Raglan having fallen an illustrious victim to his exertions in the public service, the hon. and learned Gentleman knows full well that it would not do to whisper in this House a breath against the memory of that much respected man. The hon. and learned Gentleman, therefore, comes down and makes a tardy atonement for that most unfounded charge, and now, no longer of opinion that the responsibility for the sufferings and misery of the army rested with Lord Raglan, he seeks to throw the whole burden of the blame, not upon the Administration even which then existed, but upon the Administration which has since been formed. The matter, then, now stands thus:—All that you asked for upon the accession of the noble Lord to office was, that the Government should prosecute with untiring and unabated energy the war in which this country was involved. Have the Government, I ask, done their duty in that behalf? I put it to the hon. and learned Gentleman himself. What are the reports which you receive from the Crimea? Is the condition of your army not improved? Food, clothing, and nourishment, medicine and arms, and ammunition are admitted to be everywhere supplied. The courage and ardour of your army are undisputed, and there is no doubt that they will be ready to go forth to battle whenever the occasion shall occur. Who is it that has brought about that great improvement? It exists, and the change has been effected since the accession of the noble Lord to office. With respect, then, to the administration of the war, since that time you have no fault to find. Even the sharp criticism of the hon. and learned Gentleman can find nothing of which to complain in that respect. Then, I ask, what right have you to go back upon insufficient evidence anterior to the period at which the noble Lord took office? What right have you to go up the stream and to visit him with your condemnation, seeing that since he has taken the administration of affairs you can find no fault? Is it justice that you should seek to visit upon him the shortcomings of his predecessors? Sir, I say that you have not the means of forming, with regard to the expedition to the Crimea or to the difficulties which beset you there, a fair judgment, or of coming to a sound and safe conclusion. The right hon. Baronet the Member for Carlisle (Sir J. Graham) says, that he demands an absolute acquittal; but I must say that I was struck by the somewhat logical inconsistency of his speech. The right hon. Gentleman begins by saying, that the information before the Committee is imperfect and incomplete. How, then, if that be so, can you acquit the right hon. Gentleman upon imperfect evidence? I can see the difficulty of the question, but I think that the right hon. Baronet has complicated the position of affairs by insisting that to negative the hon. and learned Gentleman's motion necessarily involves an acquittal. I do not understand anything of the sort. Many may say that it is not just to the noble Lord to vote for the proposition of the hon. and learned Member for Sheffield, or that it is inexpedient in the present state of public affairs to turn out a Government which is carrying on the war efficiently in order to put in its place a Government whose efficiency they have not had an opportunity of testing. There may be many who upon both those grounds would negative the proposition of the hon. and learned Gentleman. On the other hand, others may say, if it be understood that the negative of that proposition involves an absolute acquittal, that they are not prepared, until the whole transaction is before them, to come to a verdict of that description. It strikes me, therefore, that there was a logical inconsistency in the arguments of the right hon. Baronet which is calculated somewhat to embarrass the House. I repeat, Sir, that at the present moment you are not in a position to form a positive and conclusive judgment in a matter affecting the character of public men, and I say that you cannot come, with justice or fairness, to a conclusion adverse to them. On the other hand the Committee have furnished you with materials which are not unimportant for your consideration, and it appears to me, therefore, that the safe course to adopt is that which the hon. and gallant Gentleman the Member for Huntingdon (General Peel), with a proper sense of justice and expediency, has proposed. [Mr. ROEBUCK.—Expediency!] I hear the hon. and learned Gentleman, who has interrupted me at various times, during my observations, repeat the word "expediency." I say expediency, because it is inexpedient, when the war is being prosecuted with vigour and energy, to introduce confusion and disorder. What a spectacle shall we present to Europe if Government after Government is changed, if Motions of censure are continually made, and if, when you have a Government which is carrying on the war with vigour, and energy, and success, you turn round upon them because a Report has been made by a Committee which contains something of censure upon a previous Administration. I say that it is inexpedient to pursue such a course. I quite concede that, when the hon. Baronet the Member for Hertfordshire (Sir B. Lytton), gave notice of his Motion, that Motion was one which, under the circumstances of the case, he was perfectly justified in bringing forward. The hon. Baronet conceived that there was in the councils of the Crown an element which might produce hesitation and timidity, and which might produce in the Administration a desire for peace which would hinder them from prosecuting the war with energy and resolution. The hon. Baronet, with that view, gave notice of a Motion, and if he believed that the element to which I have referred existed in the Cabinet, he was perfectly justified in adopting that course; but when he found that the noble Lord the Member for London (Lord J. Russell), against whom his Motion was principally directed, had retired from office he withdrew that Motion. Now let me ask, is there not a striking difference between the Motion of the hon. Baronet and the Motion of the hon. and learned Gentleman (Mr. Roebuck)? The Motion of the hon. Baronet proceeded upon the ground that the Government were not in a condition to prosecute the war with vigour and energy; but no such ground has been suggested for the present Motion. The hon. and learned Gentleman cannot venture to put forward as an argument in favour of his Motion that the Government are hesitating in carrying on the war, and, therefore, he stands on quite a different footing from that which was occupied by the hon. Baronet; and I must say that it appears to me that the course which he has pursued of going back to circumstances anterior to the formation of the present Government, in order to make an attack upon it, can only be dictated by a spirit of party and of faction. Such a course is not altogether consistent with the promise given to my noble Friend upon his accession to office, that no spirit of party or of faction should be brought to fetter the action of the Government if they evinced a determination to carry on the war with vigour and energy. Well, Sir, we are carrying on the war with vigour, with energy, and, I may say, with success, and, under these circumstances, I trust that from a sense of fairness, of justice, and of equity the House of Commons will give to the Government its support. I shall, Sir, for the reasons I have advanced, give my decided negative to the Motion. [An hon. MEMBER: A negative to what?] I mean, of course, that I shall support the Motion of the hon. and gallant General the Member for Huntingdon.

MR. WHITESIDE: If ever a question of importance has been properly brought before the House of Commons, that question is the one involved in the Motion of the hon. and learned Member for Sheffield. It strikes me, Sir, that this Motion involves a principle even more important than the policy of the war in which we are engaged, for it involves a question touching Parliamentary authority and Ministerial responsibility. I had hoped that, as in this crisis the Ministry called the hon. and learned Attorney General to their rescue, he would have done justice to his comprehensive intellect, and would have expounded to us, as he is so well qualified to do, the great principle involved in the issue at stake; but, instead of so doing, he has taken refuge in an unworthy course, and from the beginning to the end of his speech he has made this a personal question, and has shown us how a man can speak with ability and eloquence, and yet not touch upon the subject-matter of the discussion. What are the facts. Terrible disasters overtook our army, a spirit of indignation was roused throughout the land, and the voice of the country called loudly for an inquiry into the causes of those disasters. That inquiry was granted, the witnesses have been examined, their testimony has been considered and believed, the verdict of the jury has been returned, and this great national cause now stands for judgment. The hon. and learned Gentleman (Mr. Roebuck) does not attempt to deal, as has been asserted, with the question of the policy of the war, or with the wisdom or folly of the expedition to the Crimea, or with the skill or incompetence, if such there were of our naval and military commanders; but he attempts to deal with facts of a totally different character. Was the Report of a Committee appointed to inquire into a subject of such importance as the state of the army before Sebastopol to lie unnoticed upon the table? and if not, how could the Attorney General justly assail the chairman of the Committee with presumption in bringing it before the notice of the House? Was it right to charge the hon. and learned Gentleman, as he has done, with being a concealed and skulking confederate of my right hon. Friend (Mr. Disraeli), when the Attorney General ought to have known, or the noble Lord at the head of the Government ought to have informed him, that, when the existence of the Government was at stake, the hon. and learned Gentleman voted against the Motion of my right hon. Friend? The

Resolution before the House divides itself into two or three parts. The first part is an expression of our regret at the sufferings of our army during the winter campaign in the Crimea, and that part of the Resolution may be disposed of in a few words. The mighty heart of the nation throbs with indignation at the unparalleled sufferings which the troops underwent—sufferings mitigated not by the foresight and care of the Ministry nor by official zeal, but by the generosity of private benevolence. We may regret the death of the young and brave who fall upon the field of battle, but they at least may fall with the shout of victory in their ears, and with the knowledge that their memory will be recorded in the grateful recollection of their country. Much more bitter is it to contemplate the fate of those who, drenched in the trenches, half starved, and ill clad have perished by disease, some after being hurried on to abominable transports and huddled into the charnel houses which were called hospitals. It is in remembering the fate of those brave men that the nation expects us to give a just vote upon the important question now before us. Two classes of speakers have spoken on this subject: I prefer addressing myself first to the opinions propounded by hon. Gentlemen who sit on the same side of the House with myself. The hon. and gallant General (General Peel), has told us that we ought to vote for the previous question because the Motion of the hon. and learned Gentleman condemns the policy of the expedition to the Crimea; but that is the very thing which the hon. and learned Gentleman does not do, and which he himself, at the outset of his speech, declared he would not do. It is but just to place the argument of an opponent fairly before the House, and then the answer to it is the more satisfactory; but I have observed that two or three hon. Gentlemen have stated that the Motion of the hon. and learned Gentleman condemns the policy of the expedition to Sebastopol, whereas, in point of fact, it does nothing of the kind. The hon. and gallant General asks us to vote the previous question, while he, at the same time, in an admirable speech, showed clearly that the Government had neglected their duty; but, in addition to that, the hon. and gallant General proposed certain resolutions in Committee, which I have read with the attention due to his high authority. I find that the hon. and gallant General expressed the opinion that—

> "The men were overworked, occasionally not well fed, had not sufficient clothing, and were exposed, under single canvas, to wet, cold, and the mud, and inconvenience arising from the nature of the soil. The men in hospital, in addition to much of this suffering, were not adequately provided with sufficient medical attendance, medicine, and medical comforts. There was some delay in removing the wounded from the field after the Battle of the Alma, and as it always must have been contemplated to employ vessels to convey the sick and wounded from the Crimea, there appears to have been great neglect in not properly preparing any for the purpose. This calamitous state of things was the result, mainly of the Administration having unwisely engaged in great military operations with reduced peace establishments, and having, with inadequate means, undertaken more than they were able to perform."

The gallant General, in condemning the conduct of the Administration, does justice to that of the troops, for he says—

> "There is, however, one bright spot in this dark picture. The patience and fortitude of the army demand the admiration and gratitude of the nation on whose behalf they have fought, bled and suffered. Their heroic valour, and equally heroic patience under suffering and privation, have given them claims on their country which a grateful nation will doubtless be eager to satisfy.

I feel convinced, Sir, from reading these Resolutions proposed by the hon. and gallant Gentleman, that his proposition to meet the Motion of the hon. and learned Gentleman by the previous question is untenable, and I trust that, whatever may be the fate of the Resolution itself, the House will not offend an indignant nation by taking refuge in the previous question. The noble Lord who seconded the Motion objected to the Resolution as being retrospective, but surely there can be no such thing as prospective censure, and therefore, if the noble Lord objects to retrospective censure, he objects to all censure. He says the Ministry have only committed errors of judgment. Now, I hold the opinion that Ministers are bound to exercise sound judgment in respect to the State they profess to govern, and that it would be no answer to this country or this House to say that these Ministers have been rash, that they have been ill-advised, imprudent, senseless. No stronger condemnation could be passed upon public men, although with regard to private individuals, and in private matters, probably, the argument of the noble Lord might be admitted. But what did he conclude by telling us? That we might as well propose a vote of censure upon the conduct of Sir Robert Peel in 1846—that we might as well propose to censure Sir Robert Peel for his general misdeeds in reference to the corn laws as found upon this Report a vote of censure upon the Members of the late Administration. I confess I cannot see the force of that argument, and I do trust and hope that it will not have had weight with hon. Gentlemen on this side of the House. Then, Sir, a noble Marquess (the Marquess of Granby), for whom I entertain feelings of esteem and respect, likewise delivered his opinions upon this question, and I wish to notice what he said, because, when a man of his influence addresses the House his opinions are deserving of every respect, and it is right not to appear to have forgotten what has been advanced on either side of the House. I protest against the censure he has cast upon the House of Commons. I protest against the censure he has cast upon the English people—that people who have made every sacrifice which any nation could be called upon to make, in order to carry on this war, and that House of Commons which has granted everything they were asked to grant with a generosity unequalled in Parliamentary history. Much, therefore, as I respect the noble Marquess, the reasons he has assigned for his opinions are not sound or satisfactory, and I cannot be influenced even by the weight of his example in voting against my conscience and against the truth. An hon. Baronet on this side of the House has also spoken, and he surprised me very much likewise, for, having condemned the Ministry from the beginning to the end of his speech, he says that he does not think he can do less than vote for the previous question, because he declares that the House of Commons is partially to blame. Now, as I have before remarked, I think the House of Commons is not to blame, except in having too long endured the delinquencies of public men. But the noble Marquess and the hon. Baronet found an ally in voting for the previous question in the person of the right hon. Baronet the First Lord of the Admiralty. He wishes to take a bold and decisive course; he is an advocate for a manly policy; and having witnessed with what dignity and manliness the right hon. Baronet the late First Lord of the Admiralty approached this question, let us see how it was met by the right hon. Baronet (Sir C. Wood). He says, "Oh, the case is not quite proved. If it were I should be the first man in the world to divide with you;" and, under these circumstances, the noble Lord at the head of the Government who only desires to adopt a manly course upon a great question—whose downfall the hon. and learned Gentleman (the Attorney General) has so sincerely deprecated—he, I say, and the First Lord of the Admiralty are perfectly satisfied to get rid of the matter by voting for the previous question. Now, what is the principal argument used by the right hon. Baronet? "You have no right," he says, "to fasten upon us that we have not succeeded. We have done all in our power to insure success and we may yet succeed." Sir, two thousand years ago, and more, that argument was urged by an accused patriot in the Athenian Senate, but how differently in its force and application. "Prove that I did not make all the preparations which wisdom, foresight, judgment, and prudence could dictate, and then condemn me. Am I to blame for the thunderstorm that burst over Greece? The provident merchant supplies the sails, strengthens the tackle, finds the pilot, and makes every preparation necessary for the voyage, but if the good ship is struck by lightning, or overwhelmed by the tempest, ascribe not the calamity to him who did all in his power to avert it, but to that Providence who governs all things." Such was the argument of the "old man eloquent." So I say in this case—the answer would be perfect if the facts were as they have been misrepresented. If the right hon. Baronet or the noble Lord could show that every preparation was made which wisdom and foresight could suggest, their case would be triumphant. It would be ungenerous and unjust to visit upon the noble Lord, or upon any Ministers, the consequences of unavoidable failure. But, Sir, the right hon. Gentleman raised another and most important question, which seems to me to reflect somewhat upon the noble Lord (Lord Seymour) who framed this Report. I believe I speak the sentiments of every Gentleman on this side of the House when I say that the noble Lord who drew that Report is entitled not merely to the respect of the House, but to the confidence of the public. I believe that the weight of his character, that his impartial spirit, forbid the notion that he would put his name to a Report in which he did not believe, or that he would be guilty of what the First Lord of the Admiralty may not have understood that he imputed to him—namely, that in the absence of evidence, and without evidence, he found a verdict and pronounced a judgment which affected the political position of hon. Members—his Friends, whom he has hitherto supported with his powerful aid. The point of this great question, I maintain, Sir, lies in a nutshell. What is it that the Committee have found in this Report in reference to the causes of the calamities which befel our army? They have found this—

> "It appears that the sufferings of the army resulted mainly from the circumstances in which the expedition to the Crimea was undertaken and executed. The Administration which ordered that expedition had no adequate information as to the amount of force in the Crimea or Sebastopol. They were not acquainted with the strength of the fortresses to be attacked, or with the resources of the country to be invaded. They hoped and expected that the expedition would be immediately successful, and, as they did not foresee the probability of a protracted struggle, they made no provision for a winter campaign; what was planned and undertaken without sufficient information was conducted without sufficient care or forethought. This conduct on the part of the Administration was the first and chief cause of the calamities which befell our army."

Now, what is the argument against that terrible passage in the judgment which was expected to affect the understandings and influence the votes of those present? The argument is that it was carried by a casting vote only. Now, look back upon this Report; I ask any hon. Gentleman who may have read the Report from beginning to end, if that passage were not there at all, whether there are not from twenty to thirty distinct and separate grounds upon which this vote of censure might rest? Why, in reference to that very passage, the House will see that substantially the same thing has been said before. I know that the matter of that passage is fundamental; I know it is vital; but what do the Committee say in a previous passage, in page 4 of the Report?—

> "Your Committee have inquired what information the Government had obtained which induced them to order this expedition. In regard to this matter, it may be observed that the Duke of Newcastle had, in his despatch of the 10th of April, estimated the Russian forces in the Crimea at 30,000 men, and he believes that when the expedition was ordered no more reliable accounts had been received. Sir James Graham says, however, that at a later period—namely, the last week in July—he had obtained 'from a Crimean authority a complete account of the Crimea, its localities, its harbours, its roads, its productions, and supply of water, and, what was most important of all, a statement of the force, which was estimated by his informant at 70,000 men, 8,000 of which were cavalry, 40,000 constituted the garrison of Sebastopol, and the remaining 30,000 were dispersed through the Crimea.' Vice Admiral Dundas had, on the 10th of May, 1854, written to Lord Raglan a letter in which, relying upon information which he had obtained, he estimated the Russian forces in the Crimea at 120,000 men. The Embassies at St. Petersburg and Constantinople were unable to furnish any information upon these important subjects. Lord Raglan, in his despatch of the 19th of July, states that 'the descent on the Crimea is decided upon more in deference to the views of the British Government than to any information in the possession of the naval and military authorities, either as to the extent of the enemy's forces or to their state of preparation.' The terms of reference do not call upon your Committee to pronounce any opinion in regard to the policy of the Government in ordering the expedition to the Crimea; but it is their duty to Report how far the preparations made were adequate to the operations which had been ordered."

How was it possible for any man possessed of the very highest amount of human ability, to prepare for the attack of Sebastopol if he knew not what army was in the Crimea, or what was the strength of that fortress? I will give a single quotation from the evidence, and I think that when this narrative comes before the future historian, unless he satisfies himself by diligent inquiry that the thing occurred, he would be very doubtful of the fact. It is a question asked by my right hon. Friend (Sir J. Pakington) of the Duke of Newcastle, with his reply, and is there anything like this in the annals of political history from a War Minister?—

> "Sir J. Pakington.—Your Grace's despatch to Lord Raglan of the 10th of April suggested several very important inquiries as to the forces of the Russian army in the Crimea, the strength of the fortress of Sebastopol, and other points. I wish to know whether you received any information in answer to these inquiries?—No. I may say that in the very despatch which the Committee has decided to move for, Lord Raglan says he has not been able to obtain any of the information required by my despatch."
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> "Have you Lord Raglan's replies to your despatch?—I have one here dated July 19, from Varna."

That is the answer of the Duke of Newcastle. Turn, then, to the other piece of evidence upon which the noble Lord framed his Report, and I should like to hear from any sensible man an answer to the argument which it affords. I find Lord Raglan writing—

> "Having stated to your Grace the result of the discussion which took place yesterday, and which was carried on in a manner quite satisfactory to all the parties present, it becomes my duty to acquaint you that it was more in deference to the views of the British Government, as conveyed to me in your Grace's despatch, and to the known acquiescence of the Emperor Louis Napoleon in those views, than to any information in the possession of the naval and military authorities, either as to the extent of the enemy's forces or to their state of preparation, that the decision to make a descent upon the Crimea was adopted."

So much for the knowlege and favourable opinion of the Commander in Chief of the policy of the expedition. Now, there is one other point to which I would refer, and that relates to the judgment of Lord Lyndhurst. The thrice Lord Chancellor of England has pronounced, I may say, a judicial opinion on this question, and he grounds his judgment upon the answer of the late First Lord of the Admiralty. What does the noble Lord, the exactness of whose logic, whose weighty arguments are not merely instructive to the House of which he is a Member and the brightest ornament, but to all Europe—what does the noble and learned Lord say?—

> "We have it in evidence that the right hon. Gentleman then at the head of the Admiralty was informed that the Russian army at Sebastopol consisted of 70,000 men, 40,000 of whom formed the garrison of the fortress and 30,000 of whom were in the field. I may venture to make this observation, that if we seriously intended to invest Sebastopol, besides having a covering army in the field, our besieging force ought to have amounted to three times the number of the troops by whom the fortifications were surrounded. I think, then, we may be satisfied of the injudiciousness, nay, of the absolute rashness, of our proceedings."

Well, with these facts before the House, what is the argument addressed to its reason? It is this:—"You cannot join in a vote of censure because there is inadequate information, because there are many witnesses in the Crimea and elsewhere who ought to be examined." Is that a valid argument upon this fundamental question? Why, if all the men in Europe were examined, could they state what the Duke of Newcastle knew so well as the Duke of Newcastle himself? Who can speak upon this subject better than the Duke of Newcastle? He is asked plainly—"Did you know anything about the country you were about to invade?" to which his answer is, "Nothing;" and therefore rashly, ignorantly, and blindly, the Government invaded the Crimea, and here, as this report asserts, was the principal cause of the disasters which befel our army. I cannot, I confess, understand how that argument is to be answered. "Oh! but," it is said, "the Report is full of imperfections." Now, the passage quoted in the speech of the hon. Member for Kidderminster (Mr. Lowe), a Gentleman remarkable for the clearness of his intellect, must surely have been misconceived by him. At all events, the paragraph upon which his opinion is based appears to me to be decisive against him, and I shall claim his vote against the previous question. He says you are to give no weight to the Report for this reason, and he then read the following extract from the Report compiled by the noble Lord—

> "The difficulty of this task has been enhanced by the impossibility of summoning some persons as witnesses who might have furnished important information. From the same cause some persons are left under imputations in regard to which your Committee regret that they can pronounce no conclusive opinion. The fulness of the investigation has, moreover, been restricted by considerations of State policy."

Very good; but what is the force of that argument upon the question whether the soldiers had food in their stomachs, shoes on their feet, medicine when struck down by the cholera and diarrhœa, and transports and a hospital to receive them when sick? What is it that the hon. Member for Kidderminster—an able and clear-headed man—contends for? He says, "The Committee were precluded from touching on matters of State policy, because they were expressly forbidden to do so; and that they did not pronounce any conclusive opinion against certain persons against whom the evidence was imperfect." Because they did not pronounce any opinion against individuals against whom the evidence was inconclusive and imperfect, the hon. Gentleman argues that, therefore, their Report is to be disregarded and slighted in reference to persons against whom the evidence was complete, who were in the country at the time, and who were heard in their defence. [An hon. MEMBER: Read on.] An hon. Gentleman says, "Read on." The extract quoted by the hon. Member for Kidderminster goes on to say—

> "The fulness of the investigation has, moreover, been restricted by considerations of State policy, so that, in the outset of this Report, your Committee must admit that they have been compelled to end an inquiry which they have been unable satisfactorily to complete."

Certainly; but what does that prove? That the noble Lord (Lord Seymour), and every Gentleman who signed the Report, merely found a verdict against those persons in whose cases the evidence was complete. I submit to the hon. Member for Kidderminster that, if he reads over the paragraph which he quoted, he will find upon reflection that the only object the Committee had in view was to exclude the several matters upon which they have offered no opinion, for the simple and satisfactory reason that they had not sufficient materials to enable them to find a verdict upon them. But do they offer any opinion upon the facts which I have just before stated, namely, the confession of the Duke of Newcastle that he knew nothing about the Crimea? They offer upon that an emphatic opinion, and I should be glad to hear from the hon. Gentleman what evidence can be as satisfactory as the confession of the accused man himself. If the Ministers of the Crown had not been heard—if the Committee had been guilty of the injustice of not hearing the Duke of Newcastle fully and fairly—then the criticism of the hon. Gentleman would have been just; but they were all heard, the evidence against them was admitted, and, under such circumstances, the Report cannot be controverted or denied. Looking through this Report, I ask the hon. Gentleman if there is on record so awful a Parliamentary document? I have read it over more than once, in reference to the clothing of the troops, to the feeding of the troops, and to the medicine supplied to the troops; and, in reference to every matter over which the Ministry had power and control, I find an express and positive condemnation. In all that ought to have been obtained for the relief of the sick and wounded the Committee say that, from first to last, everything was wrong, and, finally, in the appendix they set forth evidence which it is almost impossible to read without horror, stating that "for days and weeks together the soldiers went into the trenches with an insufficient meal and sometimes none at all, save a little biscuit and a little rum." Is that any evidence against the men who have conducted this army to destruction? The Committee proceed further, and when they deal with the foolish explanations which were submitted to them respecting the coffee and other matters, they indignantly dismiss the ingenious explanations offered to them as absurd. From first to last this Report is an emphatic condemnation of the Ministry. If I could find anything in favour of Ministers I would gladly state it, but I can find nothing. When the Committee come to deal with individuals, what is it they say? They tell you that at the most critical period of the year, when every Minister ought to have been at his post discharging his duty, the whole of them were away. The noble Lord the Member for Totness has made a speech in favour of the previous question, but, paying the utmost deference to everything the noble Lord stated, I submit to him that upon reflection his better judgment will convince him that it is impossible to sustain his intention of voting for the previous question. The noble Lord has been good enough to favour us with his draught Report, and, comparing his draught Report with the Report on the table of the House, I must say that I think his draught Report is the worse of the two. Every honest decision upon every important question is found in his draught Report, settled by his own hand. That draught Report and the draught Report of the hon. and gallant Gentleman (General Peel) are contained in this book, and substantially they correspond with the Report of the hon. and learned Member for Sheffield. Under such circumstances I cannot comprehend upon what grounds we are to vote for the previous question, instead of voting for the Motion of the hon. and learned Gentleman. It has been arked how it would be possible to agree to a vote of censure that would affect the noble Lord at the head of Her Majesty's Government? Now, I am one who think, for a reason which I shall shortly state, that of all the Members of the last Administration the noble Lord was the worst. I listened attentively to the personal explanations which were inflicted upon the House some time ago, and I attentively watched the noble Lord the Member for London when he explained to the House that the grounds upon which he had been disposed to quit the then existing Ministry were that the same Ministry had not conducted the operations of the war with vigour, and that they had not acquiesced in his propositions with readiness and alacrity. I will not be a party to charge the noble Lord with hypocrisy, nor will I say that the noble Lord had not a conscience, because I am satisfied that when he was in that Ministry he felt that the war had not been conducted as it ought to have been, and that it was his duty to interpose. I leave it to his friends to slander him, and I will not be a party, myself, to cast any imputation upon his honour and truth. The noble Lord was affected by what he saw and knew, and, being about to take a decisive step, unfortunately for his fame, whom did he consult? He consulted the present First

Minister of the Crown. And this is the statement which the noble Lord made in reference to that matter—

> "When I stand here to justify my resignation, and when I am told, as I have been, that I have acted prematurely, I own that the doubt that presses on my mind is, whether I ought not at that time to have brought the question of this charge to an issue. But among those who urged me not to do so was the noble Lord himself, the Secretary of State for the Home Department, who at the time when the correspondence took place was absent, but to whom I afterwards read it. He urged me, considering the objection which had been made by Lord Aberdeen, not to press the matter any further."

Was that the course which the noble Lord ought to have pursued? In my humble opinion he ought at once to have resigned. The noble Lord felt himself that it was his duty to resign, and that the interests of the country were jeopardised by the Ministry of which he was a Member; but, in the first instance, he consulted the noble Lord the Member for Tiverton, who advised him not to press the matter further, considering the objections which had been made by the head of the Ministry. Was that the conduct of one who had the interests, not of party, but of his country at heart? Are the Whigs unmindful of their former policy? Are they unmindful of that celebrated question which was once brought before the House of Commons upon the conduct of Ministers in reference to the Walcheren expedition? Are they unmindful that at that time they united altogether to expel the War Minister from office, and that the massive intellect of Romilly and the eloquence of Ponsonby and of other great Members of their party were ably exercised in insisting upon the right of a Parliamentary inquiry and investigation into the conduct of every department which had any connection with the expedition? The state of affairs, then, seems to me to have so pointed an application to what has happened in our day that, with the permission of the House, I will call their attention to a passage from the speech of Mr. Ponsonby in reference to the conduct of a Ministry with regard to the mismanagement of a celebrated military expedition, and upon a discussion then raised of taking refuge in the previous question. I think that no Whig can object to the passage which I am about to read, though I have heard with astonishment the speeches which one hon. Gentleman after another has made upon that side of the House. In listening to their arguments I almost thought that I had lost my memory, and had forgotten all I had read. Are they the followers of Charles James Fox? When the conduct of Ministers was in question, what was the language of Mr. Burke and Mr. Pitt? What was the language of Mr. Fox? He said that "an indignant nation would make the noble Lord expiate his offence on the scaffold." And what was the language of Mr. Ponsonby? He said—

> "This night the right hon. Gentleman, unable to oppose the propriety of the course we have pursued, ventures to attribute certain motives to Gentlemen on this side of the House. He tells us that inquiry is not our aim, but that we are endeavouring to procure a vote of this House against Ministers—in order to procure their removal from office, and pave the way for our own elevation to power. And in the very breath in which he makes this charge he laughs us to scorn for our unjustified confidence and signal disappointment. We know that the enemy has said that it was the genius of France conducted the British armies to Walcheren in the last expedition. But no! it was not the genius of France, it was the demon of England, nurtured into malignant influence by the base dissensions and unprincipled cabals of a weak, divided, insincere, and incapable Administration—an Administration ill thought of by all, suspected by themselves, and despised by the country—an Administration, a constituent member of which was engaged in a low and unmanly conspiracy to expel from station another constituent member of it; an Administration, at the head of which now stands this Minister, who through an intrigue of this base, ungenerous, and unmixed quality, was in progress for months, has been obliged in this House to offer up his own defence, that he was innocent because he was ignorant? This is the picture which he and his colleagues have drawn of themselves. What need was there that genius should confound what unequalled ignorance had devised? What needed our enemy to interpose his great power or his greater abilities when he had our Ministers for auxiliaries? Why array the highest talents to oppose the efforts of incapacity the most evident to frustrate the councils of insincerity the most degrading? Behold at the head of the nation's councils a Minister who, knowing that, after this intrigue for months had terminated in an agreement to remove a colleague from an active and efficient situation in the Cabinet, under the alleged imputation of his incapacity to discharge the functions of office, yet still suffered him, though thus pronounced incapable, to retain for months his office of War Secretary, upon no other ground save that he could not reconcile the communication to his feelings. Where were his feelings for the people of England? Where were they for the liberties of Europe, whilst he suffered an incapable Minister to remain in office? Where did the feelings of the right hon. Gentleman slumber when the best blood of the empire was shed to putrify in the poisonous air of Walcheren—there, amidst pestilence and death to linger, and to perish, in order to afford a colourable pretext to the noble Lord for retaining office until the Minister of England could reconcile to his feelings the communication of the noble Lord's (Lord

Castlereagh) acknowledged incapacity."—[1 *Hansard,* xv. 194.

Well, Sir, the noble Lord the Member for Tiverton was in the Cabinet when that intrigue took place to expel the War Minister. One of that Minister's own colleagues believed that he was incompetent and he consulted the noble Lord; and these two eminent patriots, interested in the welfare and honour of their country say, the one to the other, "Conceal your opinion, suppress your feelings! The safety of the army, the glory and, perhaps, the existence of the State may indeed be at stake; but what are these things compared with our continuance in the possession of power?" The Attorney General has delivered a speech to-night which I shall not speedily forget. He is a constitutional lawyer, and I expected something from him that would have been worthy of his high reputation. But when he came to touch the real matter now under discussion, I must say that the weakest and worst arguments that I ever heard uttered fell from his lips. The hon. and learned Gentleman is a Whig, and I therefore ask him, "Do you mean to draw a distinction between the noble Lord and the other Members of the Administration, and do you contend that because he was in the Home Department he is to escape responsibility?" By the way, this argument is one that I have seen within the last forty-eight hours, well dressed up and set forth in the public prints, where it has been urged that the noble Lord the Member for Tiverton was relegated to a quiet and secluded department, where he could not interfere in the conduct of the war, and where he could not have been expected to interfere "to worry Lord Aberdeen—to worry the Duke of Newcastle"—but must look on in silent acquiescence in the ruin of his country. But does the hon. and learned Gentleman not know that Whigs write books, and that there sits on a bench near to him the brilliant historian of our times, the right hon. Member for Edinburgh (Mr. Macaulay)? Does he not remember that right hon. Gentleman's sketch of Lord Halifax, or can he not recall his statements as to the theory of our constitution before the Revolution compared with its principles after that great epoch. Lord Halifax differed from the Cabinet of which he was a Member, and thought that his colleagues were doing many things that were wrong; "and," says the right hon. Member for Edinburgh, "he was very near turning a Whig;" which, I suppose, is about the highest compliment that the right hon. Gentleman thinks he can pay any one. But, after pourtraying the character of Lord Halifax, this distinguished author then moralises, and proceeds to expound—accurately, as I believe—the true theory of Ministerial responsibility. The Attorney General says that the noble Lord (Viscount Palmerston) is not responsible for the actions of the late Ministry. Let him listen to the language of the right hon. Member for Edinburgh on Ministerial responsibility—

> "Some modern writers have blamed Halifax for continuing in the Ministry while he disapproved the manner in which both domestic and foreign affairs were conducted. But this censure is unjust. Indeed, it is to be remarked that the word 'Ministry,' in the sense in which we use it, was then unknown. The thing itself did not exist, for it belongs to an age in which Parliamentary government is fully established. At present the chief servants of the Crown form one body; they are understood to be on terms of friendly confidence with each other, and to agree as to the main principles in which the executive Administration ought to be conducted. If a slight difference of opinion arises among them it is easily compromised; but if one of them differs from the rest on a vital point, it is his duty to resign. While he retains his office he is responsible even for the steps which he has tried to dissuade his colleagues from taking."

So that, if the noble Lord the Member for London and the noble Lord the Member for Tiverton had both joined a Cabinet with the views of the other members of which they could not agree, and had then argued and reasoned with their colleagues and earnestly implored them not to take the course they were contemplating, nevertheless, they would be equally responsible with the rest for all the steps that might afterwards be taken. Therefore, the argument of the Attorney-General, according to the doctrine of the Whig historian, is utterly groundless.

THE ATTORNEY GENERAL: I beg the hon. and learned Gentleman's pardon, but I never for a moment insisted on the proposition which he has imputed to me. All I said was, that I thought it extremely hard that the hon. and learned Gentleman (Mr. Roebuck) should praise those other Members of the Cabinet to whom the administration of the War Departments were intrusted, and should seek to visit his severest censure on the head of the noble Lord who held the office of Home Secretary.

MR. WHITESIDE: I should be sorry

in the slightest degree to misrepresent the hon. and learned Gentleman's argument, but certainly I understood him to say that the noble Lord the Member for Tiverton was occupied by the sewers of the metropolis, and the other special duties of his particular office, that he, therefore, stood separate from the rest of the Ministry, and that this House, would not be justified in visiting upon him individually the blame of the failures of the War Department, in which he was not engaged. If, however, the hon. and learned Gentleman explains what he means, I do not wish to fasten this mode of reasoning upon him; but I say that if you admit this line of argument every incapable, every rash, every insincere, man who becomes a Cabinet Minister might, with perfect impunity, inflict on his country the consequences of his own folly and his own recklessness. But the hon. and learned Gentleman offers another argument. He says, "What! do you intend to level your censures at the head of the noble Lord, when you know that he became Prime Minister without notice and without warning?" I answer,—Yes. He became Prime Minister when this committee was sitting, and with a full knowledge that it would continue its inquiry. The right hon. Baronet (Sir J. Graham) and his colleagues manfully told the noble Lord that they could not submit to that committee, that they would never assent to it; and they called upon him to resist it. The noble Lord, however, submitted to it, as he would submit to anything else in order to retain office, and now, forsooth, his Attorney General stands up and says, "Oh, you did not give him notice and warning that you would try him for his alleged political offences." Why, Sir, having been asked to resist the committee and to arrest its progress, and having declined to do so, the noble Lord is bound now to abide by the issue of its investigations. The Attorney General, however, tells us, in legal parlance, that we are all estopped from inflicting on the noble Lord the severe consequences of our censure. He says, that the Tories are estopped, that the House of Commons is estopped, and that the Whigs—no doubt to their great delight—are also estopped. But how does he prove this? He did not discuss the findings of the Report or enter into its matter, to show that it has been improperly drawn up, or that the evidence has been misquoted or strained by one hair's breadth from its true meaning. Nothing of the kind; but he says that we are all estopped, because the noble Lord was called to the head of the Government pending the deliberations of the committee, before those revelations came to light, and before those awful disclosures were made which now stand recorded in the documents on our table, and which stirred every man in the kingdom to the bottom of his soul, and thrilled him with horror at the terrible sufferings undergone by his fellow-countrymen engaged in fighting for England's glory and greatness. We on this side (the Opposition), it is said, are to be estopped; and why? Because Lord Derby called on the noble Lord before the Report was prepared, and asked him to join him as a Minister. And then we are asked, "What would you have done if, after the noble Lord had become a Member of a Derby Cabinet, public opinion, public censure, and the judgment of a committee had rendered it necessary for him to retire?" Why (turning to the Ministerial bench), ask the noble Lord the Member for London what might have been done in such a case. Ask him, the foremost man of your Ministry, and one of the first men in the country, whom you have compelled on similar grounds to withdraw from among yourselves. Ask that noble Lord what is to be done in such an untoward event. If the influence of public opinion demands that a Minister should retire we have seen that he may retire; and you have yourselves shown us an example of how, even by other artifices and other means, it is possible to get rid of one whose services are no longer wanted. But the hon. and learned Gentleman has raised another and very important issue. He has repeated the assertion which was previously made by the hon. Member for Kidderminster (Mr. Lowe)—namely, that the adoption of this Motion would damage the French alliance. Now, I must, once for all, beg leave to say that an alliance with any continental nation will become a very inconvenient connection if it is to be considered as tying our hands or preventing us from getting at the truth on questions of vital interest to this country. But how will this resolution endanger the French alliance? We say that our Government's preparations were not sufficiently effective—that our militia force was very inadequate—that our troops were not numerous enough—that they were badly fed, clothed, and sheltered;

and how can these statements imperil your relations with France? Why, these are the very things which the French themselves say; and let me tell hon. Gentlemen that the representatives of this great empire are not to be silenced by references to this country or to that. If we are to be thus overawed, we may soon become like the stolid subjects of some petty German prince. Reverting to the noble Lord the Member for Tiverton, I confess that I for one have no confidence in him with reference to this great question. That noble Lord resisted this inquiry, and perverted the principles of the constitution. This I charge upon him distinctly; because the very difference between the constitution before the Revolution and after that great event, according to that eminent Whig authority whom I have before named, is, that the right of the House of Commons to inquire, to censure, and to punish has been firmly established since 1688; and the first example of the exercise of that right mentioned in the records of Parliament is the case of the inquiry into the causes why the siege of Londonderry was not relieved, when this House investigated the conduct of captains and commanders. This right was then clearly affirmed, and that honest writer, Mr. Hallam, asserts that no courtier, however corrupt, was afterwards found bold enough to deny it, although many might have endeavoured to elude its force. If that is the case, and it is not inconsistent with the principles of the constitution to inquire, upon what ground is it that, having inquired, we are not to censure? The purpose of inquiry is to ascertain facts and to obtain information. We have the information, we have ascertained the facts; if they convince our judgment, are we not to find our verdict? The hon. and learned Gentleman says we are a judicial body now. Be it so. Then, as a judicial body, I say we ought not to decide upon personal questions, but upon the truth and the facts within our knowledge, and therefore the hon. and learned Gentleman answered himself. But, as I before said, he raised a great issue, and I admit, though it does not touch the very question, yet it is most important. The hon. and learned Gentleman warned us how we ventured to vote in such a manner as to disturb the noble Lord the First Minister of the Crown. We are bound, I admit, carefully to consider that question, and we are bound to consider, likewise, the conduct of the noble Lord from the day he attained to supreme power, not in reference to complaints for a little want of temper—which is but passing—or for a little want of courtesy in language towards Members of this House, but as affecting matters of more importance. I have been told that I ought to study what fell from the noble Lord, and I have endeavoured to do so. I have respect for his abilities and high position, and I never will be a party to the ungenerous idea that because of his rank or lineage he should not be Prime Minister of England. In my opinion it is in his favour, as it is in favour of his late more illustrious colleague. But if the Romans looked back to the images of their ancestors, it was not to gratify a silly pride, but to inflame their patriotism, to inspire their genius, and urge them to the performance of illustrious deeds. How has the noble Lord, since he has been Prime Minister, judging fairly by his actions, his conduct, and his speeches—how has he recommended himself to us as that Minister? on whom we can rely for undaunted courage and elevated wisdom. What brilliant enterprises has he attempted, what splendid measures has he carried, what great actions has he performed, in this crisis, worthy of England and of her ancient renown? And are we lost as a nation if we venture to disturb him? I rest the question, not on the policy of the expedition to Sebastopol, not on the conduct of generals or soldiers—I rest the great question of Ministerial responsibility on the accountability of a united Cabinet for the acts, for the counsels, and for the proceedings to which every one of its members was a party. I put it to the House of Commons that it is a question of overwhelming interest, one in which the whole nation is concerned, and one on which I believe every man's vote will be carefully watched. I admit the noble Lord may escape. I am reminded forcibly of the theory of the responsibility of Ministers, considered once by one of the famous men of my own country, who was excluded from the Cabinet of England by an oligarchy which then governed it. I have heard he was objected to by a Duke of Newcastle on the score of his genius and his brogue. Burke has discussed the doctrine and theory of Ministerial responsibility, and by a reference to his great authority I conclude my observations; "When I speak of responsibility, I do not mean to exclude that species of it, which the legal powers of the country have a right finally to exact from those who abuse a public trust, but high as this is, there is a responsibility which attaches on them from which the whole legitimate power of this kingdom cannot absolve them — there is a responsibility to conscience and to glory—a responsibility to the existing world, and to that posterity which men of their eminence cannot avoid, for glory or for shame, a responsibility to a tribunal at which, not only ministers, but Kings and Parliaments, and even nations themselves must one day answer."

LORD JOHN RUSSELL: I rise, Sir, to speak on this great question without any wish to diminish or undervalue, still less to escape any part of the responsibility which I feel I have incurred. I will not, therefore, accept for myself, and I hope my noble Friend the First Minister of the Crown will not accept, the excuse made by the hon. and learned Attorney General, that the head of the present Administration occupied, at the time this expedition was conceived and sent on its mission, the post of Secretary of State for the Home Department. Sir, it is my belief, and I know not any constitutional authority which can the least impugn that belief, that every Member of Lord Aberdeen's Cabinet is and remains responsible for that expedition, and the conduct of it, so long as he remained a member of that Administration. This, however, is a great question of justice and of policy. I say, a great question of justice and of policy, because, though no doubt it is a question of justice, it is not a question of justice only. The House of Commons, in its deliberative capacity, holding within its scope and directing by its vote the men and the measures which are to govern this great country, has always to consider, first, what the precise justice of a case requires; and next, to what decision it is expedient to come with a view to the general interests of the country. I remember a distinguished Member of this House, who was a Member of it at the time of the Walcheren expedition, and who was not friendly to the Ministers who undertook that expedition—Mr. William Elliott—a man distinguished no less by his virtues than by his talents—I remember he told me he thought the House of Commons had come to a decision on the Walcheren expedition in conformity with the wishes of the country, because, although the country found much to blame in that expedition, and nobody could defend every part of the conduct of Ministers, it was the general opinion of the country that those Ministers were carrying on the war, in which the whole heart of the country was engaged, with vigour and effect, and that it would be injurious to the country if they were displaced. Whether you agree or not in the decision to which the House of Commons then came, I think you will agree that it was a House of Commons that had a proper notion of its functions, and that it was justified in the decision at which it arrived.

No doubt this is a question of justice, but, looking at it as a question of justice, I must be permitted to remark on the manner in which the hon. and learned Member for Sheffield (Mr. Roebuck) stated his case. Nothing can exceed the gravity of the decision which he has asked this House to pronounce. According to his own opinion—and I will not dispute that opinion—it is a Motion intended to disqualify for power, and to exclude from office, almost every man in this House who has ever been concerned in proposing and carrying measures of what is distinguished as a Liberal policy. The followers of Earl Grey, who carried reform, the followers of Sir Robert Peel, who carried free trade, are alike denounced, and are alike to be disqualified. By the hon. and learned Gentleman, who himself professes liberal opinions, it must be considered as a grave decision that none but men who have agreed with those who were opposed to Catholic emancipation, who were opposed to the Reform Act, who were opposed to free trade—that none but men of those opinions, be their talents howsoever great or their characters howsoever high, that, generally speaking, none but they are qualified for conducting the affairs of the country. If the issue is to be so great, one would think that the hon. and learned Gentleman would cautiously keep himself within the strict lines of truth and accuracy; that he would not overstate any of his charges upon which a decision is to be founded, which he must feel, if it has the advantage of justice, has many counterbalancing disadvantages; that he would not press the case unfairly against those whom he was about to accuse; and yet, Sir, I cannot but observe that in several particulars the statement of the hon. and learned Gentleman was anything but a fair and correct one. An instance of it was noticed by my right hon. Friend the Member for Carlisle (Sir J. Graham), who pointed out that, in giving an extract which seemed to be a correct quotation of Lord Raglan's letter, "the known acquiescence of the Emperor of the French" in the policy of sending out the expedition, was a phrase carefully omitted.

MR. ROEBUCK: I read from the Report which was written by the noble Lord the Member for Totness (Lord Seymour); I quoted from his Report.

LORD JOHN RUSSELL: I think the hon. and learned Gentleman must have known what Lord Raglan's letter contained, and that there was a suppression. It may not have served the purpose of condemnation, but I think even in mercy if not in justice he should have given those he was accusing the benefit of that which he knew to be the fact. But the hon. and learned Gentleman accuses the Members of Lord Aberdeen's Cabinet of having been absent from London for a considerable time, with certain exceptions. Well, that I may speak of by and by, as to whether it is a charge which the House ought to entertain; but at least the hon. and learned Gentleman should have stated the charge correctly. Now, what was it that the hon. and learned Gentleman asked? He said, "Why were you not at your posts? Your army was dwindling away; cold, hunger, and tempest were coming upon them, and yet you were not at your posts; and are these the men (said the hon. and learned Gentleman), who thus forget their duty, to be entrusted to conduct the affairs of the country?" The hon. and learned Gentleman tried to make an effect by urging this point, and he did make an effect, because loud cheers followed the assertion of the hon. and learned Gentleman, that while cold, hunger, and tempest were afflicting the army the Members of Lord Aberdeen's Cabinet were absent from their posts. Now, what was the fact? Why, the Members of that Cabinet, with some exceptions, were absent from London from between the 12th and 14th of August to the 15th or 16th of October, when all were again present in London. Now, I ask the hon. and learned Gentleman whether it was before the 17th of October that cold, hunger, and tempest had assailed the army? Were we absent from our posts while the army was dwindling away? The hon. and learned Gentleman knows it was not so. But the hon. and learned Gentleman knowing that for a certain period the Members of Lord Aberdeen's Cabinet were not present in London, and knowing also that at a different period cold, hunger, and tempest, had afflicted and decimated the army, applies that which is true with regard to one period to another period, to which the application is false; and thus he endeavours, for the sake of justice, of pure justice, to fabricate a charge against the Ministry of Lord Aberdeen which is false. But this is not quite all. The right hon. Baronet the First Lord of the Admiralty (Sir C. Wood) has proved that it was impossible that the charge against the Ministry in general could be true, as the hon. and learned Gentleman had stated it, if it be not true as regarded particular Members of that Administration. It might be true, possibly, that certain Members of the Administration, who had to supply the wants of the army, were culpable, and that that culpability was more or less shared by those Members of the Cabinet who were not immediately engaged in administering to those wants; but it was quite impossible to be true that the Secretary of State for War, the Secretary at War, and the First Lord of the Admiralty should be blameless in their several departments, and yet that the other Members of the Government should be held responsible for the ill performance of duties which had been well performed by those who were to discharge them. Well, the hon. and learned Gentleman, anxious as he is for justice, has so misconceived his case, and has so misled himself by a sort of pleasure which he seems to have in accusation and in finding fault with others, delighting, as he evidently does, in having an opportunity of casting charges on anybody, and indulging in that abundance—I will not say of venom, I will not say of poison, but of vituperation, which is evidently inherent in his nature, that he has employed it even though it disserved rather than advanced his purpose. And let me here observe, Sir, that I could not help remarking in the speech of the hon. and learned Gentleman a defect which I have over and over again observed in the speeches of the hon. and learned Member. I am constantly disappointed when listening to the hon. and learned Gentleman's speeches. He begins with a very strong exordium. He places in the strongest light, in the most forcible language, and with the greatest effect the argument upon which he is about to dwell, and he ends with a very admirable peroration; but, with regard to the argument itself, which should come in the middle—with respect to the proofs with which an accuser should always be abundantly prepared—in short, with regard to the substance of the speech itself, the speech of the hon. and learned Gentleman is always entirely wanting. There are the beak and talons of the bird of prey, but the inside is nothing but straw. Such was the speech of the hon. and learned Gentleman the other night. I have looked into the precedent which the hon. and learned Gentleman talked of, and have considered the course pursued towards other Statesmen who were in the same unhappy position in which we now find ourselves placed—Statesmen who had sent out an expedition to Walcheren, and who were made answerable for the misfortunes which befel it. I have looked to see in what manner the accusation was made against them. I have read the speech of Mr. Ponsonby, and the most able speech of Lord Porchester when bringing forward Resolutions with regard to that expedition, and I find that they took the utmost pains to marshal their arguments and to prepare all their materials and facts, in order to show the House that they were justified in coming to the conclusion which they called upon the House to sanction and adopt. Now, I ask has the hon. and learned Gentleman done anything of this kind? No. He was so full of indignation—his veins were so boiling with it—that he left out proofs and arguments altogether. Indignation may make very good verses, but it does not constitute proof or argument, and arguments the hon. and learned Gentleman entirely omitted. The hon. and learned Gentleman reminded me of an eloquent passage, with which most persons must be acquainted, in a speech of that great orator, Mr. Curran, who, when addressing a well known statesman, then Lord Chancellor, said, "I am aware, my Lord, that truth is to be sought only by slow and painful progress; I know, also, that error is in its nature flippant and compendious; it hops with airy and fastidious levity over proofs and arguments, and perches upon assertion, which it calls conclusion." That was the course which the hon. and learned Gentleman has taken. He has perched upon assertions and has called them conclusions.

Now, Sir, with respect to this great subject, there are two very different questions which I think have been often confounded, and by no person more than by the hon. and learned Gentleman who spoke last. The one is as to the question upon which the Committee was appointed. The Committee was appointed to consider the condition of the army in the Crimea, and into the conduct of those departments whose duty it was to minister to the wants of that army. This appeared to me, I own, to be a very fair subject of inquiry. I believe that the people of this country would never have forgiven this House if they had refused that inquiry. I therefore differ with many on that point, with whom I agree on other points of the subject. I concur in the opinion of Lord Castlereagh, who ordered the expedition to Walcheren, and who said, "I court investigation, for my case stands upon a rock, and I have no fear of an inquiry." However, be that as it may, this investigation evidently might have been conducted without raising any other question than the one as to how the wants of the army were supplied. It might be that the French army was admirably supplied, or it might be that it was ill supplied; but that was a question which did not enter into an inquiry as to the mode of supplying the English army, of reinforcing it, or of furnishing it with ammunition and other necessaries. Such matters were quite independent of any question with regard to the French. But is that the question which the hon. and learned Gentleman has brought before the House? No, Sir, that is not the question. It is very difficult indeed to say what the question is that the hon. and learned Gentleman has brought before us. But the right hon. Baronet opposite (Sir J. Pakington) and the hon. and learned Gentleman (Mr. Whiteside) who has just spoken, seem to think that the charge on which the sense of the House is to be taken is that the Government of Lord Aberdeen, with insufficient knowledge, sent an expedition to the Crimea to undertake a task which it was utterly impossible it could accomplish. But is that the charge? I am standing here about to be condemned without knowing what is the nature of the indictment I have to meet. I do not know whether the hon. and learned Gentleman means to confine himself to one charge or to another, or whether he wishes to take the chance of both, so that one man might vote on one view of the question, and another on another view of it, so general is the hon. and learned Gentleman in his terms of accusation; but by this proceeding hon. Members would be saved from the obligation of saying on what specific charge they had found the Ministers guilty. That was not the course pursued by Lord Porchester in regard to the Walcheren inquiry. That nobleman drew up a series of most elaborate Resolutions, and stated to the House distinctly what it was the Government had done; and then, and not till then, did he ask the House to confirm those Resolutions, and pass a vote of censure. But the hon. and learned Gentleman, in his love of truth and justice, thinks it expedient to conceal the nature of his charge, and to leave us to guess for what it is that he proposes that the House should condemn us.

With regard to the second question, it is, in my opinion, one of a totally different nature. It cannot be denied that by an inquiry being made it might be found that the army had not been duly supported, and that there had been great carelessness and neglect in that particular, for which certain official persons ought to be censured. That would not have tended to embarrass our alliance. But when you ask, was there a sufficient army sent to the Crimea, you then touch upon a totally different point, because then you will be obliged to ask, did the Ministers consult with the French Government?—did they consider what was to be done?—what were the numbers of the troops agreed on by the two Powers?—did the English Government send the utmost force it was possible for them to send?—did they rest satisfied with the number which the French could send?—and if the French army was deficient in numbers, was it because the French Government had no means of transport? In fact, how came there to be any deficiency of force? But that implies an inquiry into the conduct of France. I agree with my noble Friend the Member for Totness (Lord Seymour) in that respect. The inquiry was, and must be, incomplete. Until you know the reasons, the correspondence which took place, what was agreed upon, and what was omitted, it is impossible for you to come to anything like a just decision upon this question. Well, so again with regard to one great cause of the sufferings of the army—sufferings which we all lament, and for which all must feel the deepest sympathy—no one can doubt that, independently of other causes, the very hard work in the trenches which was entailed upon our diminished force —diminished on the 10th of November as compared with the force on the 14th of September,—no one can doubt that severe labour was one great cause of the suffering and mortality. Everybody knows also that the French army was conducting, as it were, by our side, a separate siege, and their numbers were increasing. Well, but this is very delicate ground. Did Lord Raglan ever ask the French general to assist him? What was the answer of the French general? Had not the French general made trenches of six or seven miles in length? Did he consider that a work of such importance, and one which required to be so well defended, that he could not spare any men? or did Lord Raglan not ask for any assistance? What were the facts? This, as I said before, is delicate ground, but, unless you know the real truth, it is impossible that you can come to a vote of censure upon a Ministry for having imposed too severe work upon the English army. The hon. and learned Gentleman conveniently keeps all this out of sight, and, although no doubt it would be more satisfactory to myself to follow the course recommended by my right hon. Friend the Member for Carlisle (Sir J. Graham), and come to a direct vote of aye or no upon this question, I cannot deny that the hon. and gallant Gentleman (General Peel) who has moved the previous question, and the noble Lord the Member for Totness who has supported it, have good Parliamentary grounds for saying the previous question should be put upon an occasion of this kind.

But passing by the great question, of which it is impossible to say whether it is raised or not by this Motion of the hon. and learned Gentleman, I will state in a few words what I consider to be the defence of those who ordered the expedition. An army had been sent out from this country, an army had been sent out from France. The immediate purpose of those armies, was to defend the capital of the Turkish empire from occupation and conquest. It was found that on account of the expectation of the arrival of those armies, and also of losses, and from other causes, the Russian army retired even from before Silistria. I own that was an event to me quite unexpected. I did not expect that the feeble intrenchments—and all now know that they were exceedingly feeble—of Arab Tabia and the outworks of Silistria would have defied the Russian army for a whole year and eventually have compelled them to retreat. But such being the case, it became a serious question what was to be done with the allied army. Now, I think every one will agree that if those forces had been withdrawn to the neighbourhood of Constantinople there would have been general disappointment. The belief would have been that the war was not to be prosecuted with vigour, and even the Russian Government would have been led to believe that they need make no concessions,—that if they kept within their frontiers they could easily defend themselves for years against such enemies. Was the allied army to be sent across the Danube into the Principalities? We found then that Austria was quite willing to drive the Russians out of the Principalities, but we also knew that if the Russians evacuated the Principalities, or even were driven out, the Austrians would not cross the Pruth. What would have been the position of the two allied armies—say, increased to 60,000 or 70,000, in a difficult position and opposed to the whole of the Russian forces? The armies could not have marched without great preparations and large means of transport, which would have occupied two or three months before they could reach the enemy, and then there can be no doubt the Russian army would have been vastly superior in numbers to the allied armies, which, not strong at first, would have been by that time weakened by disease. That course, then, was found impossible. There remained the course of sending the army to the Crimea. Hon. Gentlemen say we had no sufficient information. We had all the information that could be obtained, and, as usually is the case with regard to enemies, there were various accounts and different results. I may observe the same thing occurred to no inconsiderable commander. Napoleon, with respect to Spain, did not know the number of the English forces nor their position. We had information, but not such as we could thoroughly rely upon. Lord Raglan, although desired by the Duke of Newcastle to get information, never had such information as he could entirely rely upon. But we supposed, from the information we had, and which Marshal St. Arnaud had received at the French camp, that there might be about 45,000 men in the field, and about 15,000 in Sebastopol, making altogether about 60,000 Russians in the Crimea. Was it possible or not to take Sebastopol, then, by the means of the allied army? I believe it was possible. I believe that if we had effected that object we should have gone far to gain our object, for, undoubtedly, the long defence of Sebastopol has increased the Russian obstinacy. We should have struck a great blow, which would have induced the Emperor of Russia to shorten the duration of the war, and to assent to reasonable terms of peace. It is very easy to say now that Sebastopol has not been taken—that it was impossible to take it. Now, as to the defence of Sebastopol—we have had great defences to struggle against there—great artificial defences. It cannot be denied, however, that last year a great part of the town was defended by a simple wall, and that the skill of the engineer had not been exercised in that portion of the defences of the place. Well, was it impossible or not that the allied armies landing in the Crimea should gain a great victory, and that the effect of that victory should be such that the gates of Sebastopol should be opened to the allies? I believe it was perfectly possible. I remember speaking once with an illustrious soldier, now gone from us, the late Marquess of Anglesey, when he said, "When a French and English army act together there will be such an emulation, such a spirit of rivalry, that nothing can withstand it." I say we found that at the battle of the Alma. Was it possible, or not, that the allied army, after gaining a victory like that of the Alma might have been able to push on and close upon Sebastopol, while the Russian army was still in confusion? Supposing that not to be done, was it impossible that the English and French armies, arriving on the south side of Sebastopol, might have attacked those weak defences, and in the course of a few days have made themselves masters of that fortress? It has not happened, for it is the fortune of war that we cannot be sure of events of this kind; but I say it was a chance worthy of the risk. To strike so great a blow those who undertook that expedition, although they knew, and must have known, the responsibility they were incurring, felt they were fighting for a great prize, and that if they were victorious, not only glory and triumph, but peace would be the result of success. That, therefore, is one part of the case.

Another part of the case regards those who were entrusted with the duty of supplying the wants of the expedition. The hon. and learned Member for Enniskillen

(Mr. Whiteside), like the hon. Baronet the Member for Hertfordshire (Sir B. Lytton), on a former occasion, has referred to me as an accuser and depreciator of the Duke of Newcastle. Now, Sir, I beg leave to say, in the first place, the comparison of the hon. and learned Gentleman is entirely out of place, that I made no accusation that was kept a secret from the Duke of Newcastle; that before my noble Friend then at the head of the Government knew anything about the correspondence, it had been laid before the Duke of Newcastle, and, I believe, was seen by other Members of the Cabinet. It was not that the Duke of Newcastle was deficient in the conscientious discharge of his duties, or that he was not a most laborious Minister; on the contrary, I believe he was both conscientious and laborious, and not only will I say this, but that he was a man of sound judgment. But it appeared to me that he did not possess sufficient authority in his office to carry on with energy and with vigour the operations which were required by so great a war as that in which we were engaged. Sir, that opinion of mine might be wrong; it was not shared by any of my colleagues, who, on the contrary, had the fullest confidence in the administration of the War Department as it was then conducted. With respect, however, to the Duke of Newcastle and the right hon. Gentleman the Member for South Wiltshire (Mr. Sidney Herbert), I think no one who has looked at the evidence given before the Committee will deny that, in spite of defects, in spite of an organisation which has been left too long at peace without interference or reform—in spite, I say, of those defects and that organisation over which it would have been difficult for any man to triumph, great activity was shown in despatching to the Crimea the men, the food, and the clothing which the army required. No doubt many defects existed, and the accurate and sagacious mind of my noble Friend the Member for Totness has pointed out where, in various respects, our organisation was defective, and where evil consequences resulted from that organisation; and I think that the labours of the Committee will not have been thrown away if, with the knowledge they have gained in consequence of its appointment, the present Government are enabled, and Lord Panmure is enabled, to give a more concentrated power to the War Department, and to prevent those delays and supply that want of energy which resulted from the organisation of the former War Departments, of the Ordnance, and its corresponding military departments. That, I think, will be a great advantage; but I submit that it does not form a case for this House to pass so bold a censure as is now proposed—it forms no case whatever to blame the whole of the Administration. The whole of the Administration were engaged in considering whether such an expedition should be sent—whether the force proposed would be sufficient for the purpose intended—whether we could send a greater force, or what could be done—what would be the consequence of not sending the expedition in 1854, and in what state we should find the Crimea in 1855. All those questions were naturally questions for the whole of the Government and for every Member of the Government; and I cannot say I think that every obstacle which the Minister of War found in the fulfilment of his orders respecting the huts and clothing in the departments under him furnishes the ground for such a censure as is now proposed; and the hon. and learned Gentleman (Mr. Roebuck) feels this so strongly that he wishes the House to conclude that it is based upon other grounds, though he does not positively mention them in his Resolution. If this is the state of the case—if it is the fact that at the commencement of a great war we have sent out an expedition consisting of as fine an army as could be collected, and that that army, which has been most successful in its battles, has not been successful in its immediate object, which was the capture of Sebastopol, is it, or is it not, desirable that the House should inflict its censure upon those who projected that expedition? I own it appears to me that if they come to that conclusion the House will commit a very great injustice, for they will commit an injustice against men who had endeavoured, to the best of their powers—and they were men of no ordinary capacity who formed the Members of Lord Aberdeen's Government—to frame an expedition which was to direct a blow that would have been effectual for its purpose, but which, owing to the various accidents and the various fortunes which befall warlike expeditions, has not hitherto been successful, further than in maintaining the honour of the arms of both countries. That success, however, we hope will yet crown their exertions; our expectations may be fulfilled, and we may be enabled to say that we have defeated one of the great means Russia had devised, and destroyed one of the greatest fortresses she had raised for the accomplishment of her purposes.

Sir, I said that I would say one word with respect to the hon. and learned Gentleman's charge that while this expedition was being carried on the Members of Lord Aberdeen's Government were absent from their posts. The Members of Lord Aberdeen's Government who decided on this expedition had received from Lord Raglan the information that the expedition would sail, and that every measure of preparation had been completed. I know not that any others are required to communicate with the Commander in Chief than those who are directly connected with the War Department; and I am sure that if you are to insist that in critical times every Member of an Administration who is likewise a Member of the House of Commons must remain in London, and not, for the sake of health, resort to other places, it would not tend to the efficiency of public business. The work of this House is so severe—the work of attending eight or nine hours at night to take part in every debate, added to all the official duties and all the Cabinet Councils, is such that you might have men broken down, you might be obliged to replace Ministers whose health had entirely failed, but you would not gain your object of having an Administration composed of men who were fit to resume their work with that vigour and in that full possession of health which is necessary to those who have to administer the affairs of this country. But what, Sir, was the period when the absence of the Ministry was complained of? It was from the middle of August to the middle of October. In that period the battle of the Alma took place, but the accounts of the formation of the siege of Sebastopol—the most important accounts—are dated between the 1st and the 8th of October, and were received at a time when the Cabinet were about to assemble, and everything that could be considered by Ministers was at a time when the Cabinet were, from week to week, and almost from day to day, in the habit of assembling; so that it is not true that any great question was neglected in consequence of the absence of the Cabinet; and nothing but the ingenious device of the hon. and learned Gentleman the Member for Sheffield, of applying a reproach to one period of time which probably belongs to another, could make any charge out of this fact. I have stated the question as respects the justice of the case, and I think I have shown that the great, the main question, whether it was right to send that expedition to the Crimea—whether it was right to send an army for that purpose, or to send to the ports that were sent to, is one on which you can hardly come to a right conclusion without entering into all that was done by the Government of France as well as that of England. I think I have shown, at least as well as the hon. and learned Gentleman has shown to the contrary, that when the army was in the Crimea, the army departments at home took care, as fast as they were able—that there were many defects and delays I confess—both to reinforce that army and to furnish it with the food, clothing, and shelter that it required.

We then come to the great question of policy. It is desirable at the present moment—on the 19th of July—that the House of Commons should come to a vote which will not merely have the effect of casting upon us who are out of office a stigma with respect to which there will be no impolicy, but which will also have the effect of depriving the Government of the country of its head and many chief Members of the Administration? That, Sir, is a grave question, and I agree with the hon. and learned Attorney General that it is a question not so much of whether or not those Ministers are carrying on the war with vigour, as whether you think that by replacing them by Lord Derby and those who are joined with him in party you will obtain a more efficient administration of the war. I cannot believe that you will. I can see the great inconvenience and the great confusion that will arise for a time by displacing those who are now engaged in sending out orders to the General Commanding in Chief in the Crimea, and who are organising and directing the fleets of this country. That a change of that description should take place without some confusion is impossible, but when you have got through that confusion, will you have a better Administration? It is for this House to say, because it is a question of policy as well as a question of justice. If those men who now belong to the Ministry, and who formed part of Lord Aberdeen's Ministry, had shown themselves utterly incompetent and incapable — if they are strangers to the proper duties of an Administration—why then there is a case for dismissing them, and dismissing them with disgrace. But I submit that there is no such case which the hon. and learned Gentleman can produce against a Minister who has alwas turned his attention, not only to our relations with foreign Powers, but to the efficient conducting of departments of war, and the manner in which the armies of this country can best be guided. Will you gain any advantage; will not the country, on the other hand, suffer great disadvantages by your deciding at once that there shall be a change in the Administration? If you do nothing else, will you not to some degree check and abate the spirit of those who have to succeed them? Will you not infuse into them such a degree of caution that the whole soul of enterprise may be damped, and the vigour which should animate our exertions against the enemy be chilled by the damp that you would cast on the Administration? Sir, I have a quotation here, which is somewhat long; but, as it states what I wish to say in so much better language than any I can use, I entreat the House to listen to it, as it is not inapplicable to the present circumstances, and with that I will conclude what I have had to deliver to this House, feeling convinced that the House will decide fairly upon the whole question, being ready myself to accept the Motion of the hon. and gallant general the Member for Huntingdon, for "the previous question," but equally ready, should the House decide against the previous question, to contend against the justice and policy of the Resolution of the hon. and learned Gentleman (Mr. Roebuck); and I should not be afraid that the House, upon the merits of the question, would come to a decision adverse to the Administration of the Earl of Aberdeen. Now, Sir, the extract is from a speech upon the Scheldt expedition, delivered in this House by Mr. Canning on the 29th of March, 1810, who had been a Member of the Cabinet which sent out the expedition, and being no longer in office when the vote of censure was discussed. He said—

> "Something yet remains to be said upon one topic, on which much stress has been laid by our accusers—the policy of marking with extraordinary severity a failure so disastrous as this is represented to have been of an enterprise (as it is averred) so rashly undertaken."

So far the averment is not very different to that of the hon. and learned Gentleman.

> "Sir, of this policy, as a matter distinct from justice—I take the liberty to entertain great doubts. I doubt whether the vice of the British Constitution and Government be a too great proneness to undertake splendid and daring enterprises, or its main perfection and uncommon facility for conducting the operations of war. There is enough already, as it appears to me, both of difficulty to impede and of responsibility to daunt any Administration in this country to whom the conduct of a war is intrusted, and when that war is to be carried on against such an enemy as him with whom we have to contend at present, it is not, in my humble opinion, politic to go one step beyond what justice may prescribe to enhance that difficulty and press the weight of that responsibility upon the Government. Possibly I might think, that even to stop something short of an extreme and vigorous account might be the more politic alternative of the two. We have to contend against an enemy who, with whatever qualifications he may be endowed by nature, has full scope and play given to all his faculties and views by the unlimited power, the irresponsible freedom with which he acts. He asks no consent, he renders no account. He wields at will the population and resources of a mighty empire and its dependent States. His successes are magnified with enthusiasm, his failures silently passed over. And against this unity of counsel and this liberty of action, we have to contend under the disadvantages of a mixed and complicated Government. Disadvantages in this respect they are, though happily and gloriously redeemed and compensated by the great and manifold blessings of a constitution unequalled by any other system of human policy in the history of the world. Secrecy of design, celerity of execution, a boldness of adventure arising from fearlessness of responsibility for ill success are the qualities the most useful for the vigorous prosecution of military operations. They are advantages which our despotic adversary enjoys in the most eminent degree. They are those which a free Government necessarily wants. I doubt whether it be politic to aggravate the inequality of such a contest by a severity of scrutiny and a hardness of animadversion upon failure which, by making responsibility too heavy to be borne, has a tendency to make all enterprise too hazardous to be attempted. Neither, again, while I admit and lament the failure of this expedition, can I agree with those who consider the disappointment of a great object of national policy as synonymous with national disgrace, and as pregnant with national ruin."—[1 *Hansard*, xvi. 350.]

So, Sir, say I. I cannot consider what has happened as synonymous with national disgrace, or as pregnant with national ruin. I believe that by going into war suddenly, with an organisation very defective, with an enterprise of more than usual hazard, we have suffered more than ordinary calamities; but, Sir, I look at many things which are sound, both in our military and our political constitution. I cannot but believe that the army which stood—I will not say the battles of Alma and Inkerman, but which stood the hardships and severities of that winter siege of Sebastopol unbroken, and with its discipline unimpaired, must be formed by a military system equal to its objects, and which teaches men to endure hardships and to meet death—not glorious death, but inglorious death—with calmness in the service of their country. I cannot but think that an army so organised, when reinforced, and with difficulties less arduous to contend against, is sure to give to their country victory, and to Europe safety and repose. I look, Sir, to our political constitution. I see in that political constitution defects. I see, moreover, in some circumstances, which did not exist when Mr. Canning spoke, great obstacles to the efficient operations of the war; but I believe that there is virtue even in the worst of those defects, and in the most trying of those difficulties. I believe that that which has been found fault with will be repaired, owing to that general spirit which prevails of looking into every branch of the Administration with a view to its correction. I believe, likewise, that the spirit of the people of this country is as high as it ever was during any period of the war, and that the people will stop short of no sacrifice which they think is necessary to maintain the character of the country. Well, Sir, I should hold in these circumstances, with these prospects before us, and with that organisation, both military and political, that a vote to displace an Administration upon assertions that the war had not been well conducted, and, above all, that it was rash to undertake the expedition to the Crimea—I should hold, I say, that such a vote of the House of Commons, far from aiding, far from promoting, the success of the war, would, on the contrary, tend to damp the spirits and to confuse the minds of the people of this country. I am convinced, therefore, that this House will best perform its duty by giving no countenance whatever to the Motion of the hon. and learned Gentleman the Member for Sheffield, which I believe to be conceived in malice, and which can tend to no object useful to the State.

MR. BRIGHT: Sir, I shall occupy the House only a few minutes while I explain my view of the Motion which my hon. and learned Friend the Member for Sheffield has submitted to the House. I am one of those who did not vote for the Committee which was appointed upon his Motion, and I did not vote for it on this ground—that I thought I perceived in the words of the Motion a one-sidedness with regard to its application to different Members of the Government. I thought it indicated—and I use the word without offence, and in its literal sense—something of a "conspiracy" against the noble Earl then at the head of the Government and that portion of the Cabinet who were supposed to be peculiarly associated with him. Upon that ground alone I refused to give a vote upon that occasion, although I approved entirely the course which the House took in appointing the Committee, as I am now prepared to give my entire approbation to the conduct of the Committee and to the Report which has been brought up, which I think admirable and judicious in every respect. But when we have a Report I think that the House is bound, according to all ordinary proceedings, to take some steps with regard to it. The noble Lord who has just sat down has been somewhat severe on my hon. and learned Friend; and I do not blame him for that, because my hon. and learned Friend did not spare the noble Lord the other night; but the noble Lord says that my hon. and learned Friend gave us a magnificent opening of a speech, that the conclusion agreed with the opening, but that the middle was left out. Did the noble Lord expect that my hon. and learned Friend was going to read the whole of the Report, or the whole of the evidence? My hon. and learned Friend presumed that the noble Lord and other Members of the House had made themselves acquainted with the facts of the Report, and that, being laid before us by an unanimous Committee, those facts would be taken as not to be disputed. It was not necessary therefore, for him to marshal them in his speech. But I wish to ask the noble Lord what that Committee was appointed for, if the Report being upon the table, no further proceedings are to be taken upon it? Are all those facts collected just as some antiquary collects curiosities, merely that he may put them in a museum, and that himself and others may look at them? I thought that the Committee was appointed for some great public object, in order that the House might take the steps which might be required in case the allegations which were made should be substantiated on the evidence that was produced. And, now, does any man say that the Committee have not discovered this fact, that all the case which was submitted to the House by my hon. and learned Friend the Member for Sheffield, when he moved for the Committee, has been more than substantiated by the evidence which was brought before them? I think that no Member of the late or of the present Government will at present undertake to deny the statements of miseries endured which appalled the country when they were made—statements which were denied, but which have since been proved to be correct by evidence taken before a Select Committee, which has been laid upon the table of the House. Then, under these circumstances, are we to say that the whole end of this matter is to be that some changes shall take place in the War Department, and that there shall be a concentration of offices? Why, the noble Lord the Member for London and the noble Lord at the head of the Government know very well that they have known for years that those changes were required in that department. I recollect that a lamented Friend of mine, the late Mr. Hume, year after year proposed many of these changes, and in doing so he met with no stouter opponents than the noble Lord the Member for London and the noble Lord at the head of the Government; and yet now the noble Lord wishes to ride off, on that system which he previously refused to change, the misfortunes which have happened through the neglect of the Administration to which the conduct of the war was intrusted.

The hon. and learned Member for Enniskillen (Mr. Whiteside) has referred to one question which appears to me to be of considerable importance, and that is as to what Parliament ought to do with regard to Ministerial responsibility. We do not in these days, send Ministers to Tower-hill, and no one approves more than I do of the change in that respect; but, at the same time it does not follow that, when the House finds the public service neglected, and consequently calamity brought upon the country, it should not express its opinion firmly and boldly, and bring home to a sense of responsibility not only the existing but also future Cabinets. The noble Lord the Member for Totness (Lord Seymour) who had the capacity and power to draw up the Report of the Committee, must have been puzzled to oppose this Resolution on the ground of its being a retrospective censure. Why, Sir, I asked the right hon. Gentleman the Recorder of London (Mr. Stuart Wortley) if he had ever heard of such a plea being brought forward in the Central Criminal Court, and he answered "No, because all censure must necessarily be retrospective." I think that the noble Lord must have felt that his cause was a weak one when, upon that ground, he asked the House not to censure any Member of the existing Government. Then it is said that a portion of those who are charged with maladministration have been already punished. Well, they have, to a certain extent, inasmuch as they have been excluded from office; but it does not follow that, because some have been punished, the others should escape. I myself do not know who has so much right to escape, if any one should escape at all, as the noble Lord the Member for London, for that noble Lord, when he found that his confederates were going to be captured, turned king's evidence; and I believe it is customary to allow persons who turn king's evidence to escape punishment. The noble Lord at the head of the Government is as much responsible for the mismanagement which is now so clearly proved as any one is; but he has not been punished, but, on the contrary, he has been, according to the rule which prevails in the Government of India under the rule of the East India Company, when anything is done wrong, promoted to a higher office and to greater dignity and power. I myself regard this Resolution as a vote of censure upon the existing Government, and more particularly upon the noble Lord at the head of it, and I believe that that is the point of view from which, after all, hon. Gentlemen will be obliged to regard it. I do not see how it can be regarded in any other way after the speech of the hon. and learned Gentleman, who paid compliments, as I thought, of a rather high-flown character to the right hon. Gentlemen who left the Government of the noble Lord; but, whether those compliments were deserved or not, it appears certain that the hon. and learned Gentleman had no intention of disparaging the character of the Duke of Newcastle, the right hon. Member for South Wiltshire (Mr. Sidney Herbert), the right hon. Member for Carlisle (Sir J. Graham), the Earl of Aberdeen, or the right hon. Member for the University of Oxford (Mr. Gladstone). As the hon. and learned Gentleman excludes them, perhaps he thinks that they are expiating their misdeeds by being excluded from office, and no doubt he has a high opinion of the pain of being excluded from office, and in that way are suffering the penalty for their misdeeds; and under these circumstances he wishes to concentrate the opinions of the House upon those Members who still remain in the Administration, and more especially on the noble Lord at its head. I do not think that the noble Lord will accept the shabby excuse made for him by his Attorney General. The noble Lord who has just sat down has said on that subject, and I may say for myself that I have observed, and others have observed, that these great lawyers do not have all their wits about them unless they are engaged in their own sphere, and have a fee absolutely written at the back of the brief. I do not think that the noble Lord will accept that excuse, because the excuse is a bad one in itself, for there is no proof that the noble Lord managed the sewers better than the Duke of Newcastle managed the war, and also because I am satisfied that upon foreign affairs the noble Lord was the most important Member of the Cabinet of Lord Aberdeen.

When the Government of Lord Aberdeen was formed, the noble Lord, the present Prime Minister, was taken into it—why, I will not say—but no doubt it would have been dangerous to leave him out. However that may be, the noble Lord was, I believe, the Member of the Cabinet to whom his colleagues most deferred on questions of foreign policy. Why, look at the varied experience of the noble Lord with regard to the question of going to war. The noble Lord had a war in India in which a British army was sacrificed ; a war in China, which some people say was not the most creditable war in which this country has been engaged ; he had a war in Syria ; afterwards he very nearly had a war with Greece ; and in both the latter cases he nearly endangered our relations with France. The noble Lord is also most familiar with treaties. I have heard him comdemn the beneficent sagacity of Sir Robert Peel when he avoided a war with the United States of America by a treaty concluded by Lord Ashburton—a treaty which the noble Lord characterised as the "Ashburton capitulation." What other Statesmen have we who has had more experience in negotiations than the noble Lord ? The noble Lord has written to Spain in a manner that caused the recall of our Ambassador ; he has written to Vienna and to Russia in a manner which called forth a rejoinder of an offensive and insulting character, which the noble Lord accepted with a humility truly edifying. The noble Lord, too, sanctioned the invasion of Hungary by Russia, and no man—whether the policy of the noble Lord has been good or bad has nothing to do with it, I believe it to have not been good—in the Government of Lord Aberdeen would be likely to be deferred to so continuously and constantly as the noble Lord upon those matters which were then beginning to assume a formidable shape. I do not think that I am overstating the case, and certainly, were I in the position of the noble Lord, I should accept the position which I now assign to him. I feel convinced that I am right, because I perceive the spirit and principle of the foreign policy of the noble Lord in all the vast calamities which have fallen on the country during the last two years. The noble Lord the Member for London has made an unfortunate admission with regard to the reasons for the expedition to the Crimea. I am not now going into the question of the policy of the war, because I think that, if conviction has not already entered into the minds of reasonable men, any argument which I could advance would be lost upon them, and therefore I shall not touch upon that subject. But with regard to the expedition to the Crimea, I think that the noble Lord has made an unfortunate admission. The noble Lord referred to the condition of the army at Varna, and then he asked, would there not have been great disappointment if the army had returned to Constantinople ? Was that the reason the army went to the Crimea ? I believe it was. I believe it was the articles in *The Times* newspaper and in the columns of the daily press, and the fear of the Government to meet unpopularity, that impelled the Government, instead of endeavouring to confine the war, to give it a new character, and, instead of restricting it to the defence of Turkey, to undertake the unspeakable madness of invading Russia. Then, how was it undertaken ? I will not in more than one sentence refer to the time of year, the amount of the force at your command, and the various circumstances connected with the expedition ; but I must say that it appears to have been undertaken without sufficient information. We are told that the Government took great pains to procure accurate information, but it certainly does not appear from the Report or from the evidence taken by the Committee that much pains were taken. Then it is said that Russia knows everything which goes on in this country, as well as all over the world. Why, surely, your Ambassadors, Ministers, Consuls, and agents ought to be—though I believe they are not—just as capable of getting you information as the corresponding authorities in the service of Russia. But, if the people of this country be, and have been, profoundly ignorant with regard to this question, and, if the Press be either ignorant or profligate—and a portion of the Press has been both—that is no excuse whatsoever for a Cabinet intrusted with the vital powers which refer to the Administration of a great nation. Now, was everybody so ignorant? Is not the noble Lord aware that, when he is telling us he got all the information he could, and that the Government are not to blame for being ignorant of that which was not to be known—is he not aware that there were persons in this country who did know, and who told the Government and the country, precisely that which they would have told the Government and the country if they had lived eighteen months in advance? And yet it made no difference in the policy of the noble Lord and his Friends. I have heard that military authorities in this country—very many of them—entirely disapproved this expedition, and that there was not in Europe anything like a preponderance of military authority in favour of the expedition, either in the manner or at the time at which it was undertaken.

But now I will read one statement with regard to this which was patent to everybody. I read it, I believe, on about the 6th or 7th of July in last year—about two months before the expedition sailed—and there was not a Member of the Cabinet who did not have this passed before his eye, though they probably did not read it, or else, if they read it, they pooh-poohed it as Cabinet Ministers are apt to do all which happens outside the charmed circle in which they live. I will read to you what was said last July by a poor exile. Kossuth is a man who has not 5,000*l.* a year; he is not a trustee for this nation; he has not a legion of emissaries to procure for him information of this nature; it was no business of his to make every possible exertion in order to find out the truth. He was, therefore, in a position far less favourable for knowing the truth than the Members of Her Majesty's Government, and yet this is what was stated by him on the 5th of July, 1854, to an audience he was addressing in the city of Glasgow—

> "I don't think you can take Sebastopol by sea. It would cost sacrifices which you neither can afford nor risk. And as to taking it by land, to take an entrenched camp, linked by terrible fortresses, and an army for garrison in it, and new armies pouring into your flank and rear—and you in the plains of the Crimea, with almost no cavalry to resist them—that is such an undertaking to succeed in which more forces are necessary than England and France can ever unite in that quarter for such an aim. You will be beaten; remember my word. Your braves will fall in vain under Russian bullets and Crimean air, as the Russians fell under Turkish bullets and Danubian fever. Not one out of five of your braves, immolated in vain, shall see Albion or Gallia again."

Why, if one of the old prophets had arisen in your midst, speaking under the direct inspiration of Heaven, he could not more exactly have pointed out the desperate expedition which you were about to undertake, or the frightful disasters which you were entailing upon your country. There were great instructors of the people, who have had no little influence in promoting these disasters, who wrote about the same period in a very different sense. This speech was delivered on the 5th of July, 1854, and here is what appeared in *The Times* newspaper on the 5th of August. I would not quote *The Times* here but for this—that we in this House can feel from day to day, unfortunately—for I conceive it to be a great misfortune—that the Cabinet of this country—and not only the present but the last and previous Cabinets—have altered their policy, and Ministers have altered their language, in deference to the dictation which they received from that journal. No blame to the journal. Wonderful instance it is of energy and skill and success; but, Sir, I despise from my heart the Minister who, sitting on that bench, enters, from clamour of the Press, or from clamour of the people, into any matter of importance contrary to his own conscientious convictions of what is for the true interests of his country. I have read what Kossuth stated on the 5th of July in last year. What was it *The Times* said on the 5th of August?—

> "It is very obvious, on the first sight, that this great Sebastopol, that seems to challenge the united power of all the fleets in the world, and threatens to pour, as we are told, at least a thousand shot at once into any vessel that runs the gauntlet of its terrible batteries, is built on the idea that it never can be attacked by land. It is made against everything that swims, as if the land would take care of itself. This was an oversight, if, indeed, it was an oversight not to reckon on the possibility of 100,000 English and French soldiers being afloat in the Black Sea. How far the omission has been repaired during the last few weeks it is impossible to say, but such is the nature of the ground immediately above Sebastopol that it would be impossible, even with a very long notice, to raise works of defence upon it which would not be commanded from other ground near. It is possible the attack may degenerate into a blockade, and if we only persevere we must ultimately starve out the garrison of this

> proud fortress. But we hope to report an end of the affair long before it comes to that pass, and, with the forces at our disposal, there is no reason why every stone and every plank in the fort should not be at the mercy of the allied armies in a very few weeks, or even days."

Now, I am myself very glad to read *The Times* for the varied information I find in it; but I must say that, regarding that paper and most of the other leading journals in this country, their conduct during the whole of this war has been of a nature which should, I think, withdraw from them, with respect to their opinions, the confidence of the people, for I believe there is not one single prophecy they have made with regard to the progress of this war which has not been falsified by the event. Well, but the noble Lord at the head of the Government is partly responsible for this, because I recollect he made a speech in this House, in which he told us—I have the exact words here, recorded in *Hansard*—that, although Russia was powerless to undertake aggression, she was very powerful for self-defence. Here was what the noble Lord said, speaking in this House on the 24th of February in last year—

> "I must say that, in my opinion, there never has been a great State whose power of external aggression has been more over-rated than that of Russia. It has been said, that Russia is powerful in self-defence, and it is inferred from that that she is equally powerful in aggression. But, the very circumstance which makes her so powerful within, makes her also comparatively weak without."—[3 *Hansard*, cxxx. 1038.]

The noble Lord holding these views—and I think the Cabinet must have held the same — was, in my opinion, especially bound to protect the country against such a monstrous act of lunacy as that which he and the Cabinet committed. The noble Lord the Member for the City of London has left the Cabinet, and there may be Gentlemen in this House who think the Cabinet is more worthy of confidence than before he left it. Now, I am of a very different opinion. The noble Lord the Member for the City of London knows very well that I have had occasion to disapprove pretty strongly the policy he has adopted with regard to this question, but he will, I hope, give me credit for having acted towards him in this matter with perfect frankness and sincerity. [Lord J. RUSSELL: Hear, hear!] The noble Lord, I always said, had some sense of responsibility; there were lengths to which I thought he would not go in a course which was hazardous; and I suspect we have now had a proof of it in the course he pursued at Vienna, and when he came from Vienna. I shall not undertake at all to defend the noble Lord. After the obloquy which has been thrown upon him during the last week, I think the House will admit that the noble Lord has spoken to-night as if he were not under a cloud, and as if he were determined, notwithstanding leading articles in newspapers, that he will not yet be quite extinguished. I am inclined to fear, however, that the noble Lord has been made an instrument for great mischief. I suspect that when he went to Vienna, although he was perfectly honest in his anxiety to make peace—I thought so then and I think so now—yet I am inclined to believe that there were Members of the Cabinet who had no intention whatever of making peace; and, as the expedition to Sebastopol was undertaken principally in deference to the clamour raised in this country, and, perhaps, contrary to the convictions of some of the Government, so I am very much afraid that terms of peace, which might have been accepted, and which in all probability we shall all live to regret, were rejected—I say, I think it is not unlikely that those terms of peace were rejected in consequence of a temporary clamour which it was attempted to get up against the noble Lord. Now, I want to know who it was in the Cabinet who instigated the journals in a particular week, a critical week, to attack the noble Lord the Member for the City of London, because he was said to be in favour of a peaceful solution of this question? Who was it that communicated to *The Times* newspaper that not only the noble Lord, but a certain number of other Members of the Cabinet, were in favour of peace? Who was it that prompted the three or four leading articles which appeared day after day for the purpose of making it appear that the country would be dissatisfied with peace? I think there is treachery somewhere. I know nothing of it; I point to nobody; but this I will say, that it is to be regretted beyond all things that have ever happened in the life of the noble Lord—except that he ever went into this war—it is to be regretted beyond all other things that, coming back from Vienna, feeling as he did feel that peace might then probably have been concluded, he did not stand upon his own convictions, meeting for the moment the temporary clamour which would have been excited (for temporary only it would have been), and coming up again within the next three months, as he would have done, with his character brighter than ever, and with an increased confidence in his honesty and in his judgment on the part of the intelligent classes of the people of this country. I have sometimes talked with friends of mine in this House as to the possibility of a man remaining a Minister and standing by his convictions. I believe that, whether in the management of the country, or whether for the purpose of maintaining and securing confidence in this House, there is nothing that so entirely binds numbers of men to the leadership of one man as the perfect confidence that in all matters which are vital and important that which he holds to be dear and priceless and never to be sacrificed are the hearty and clear convictions of his own understanding.

But, Sir, the noble Lord has not been subject to obloquy from newspapers only, and from those out of doors. He has been subject to a cabal indoors. The noble Lord made a reference to it in his speech, and I confess that I sympathised with him in the expressions which he then used. I should like to know where the ten or a dozen subordinates of the Government met. Was it upstairs? Was it downstairs? Was it in the cellar sacred to Guy Fawkes? Was it in a sewer—for there it certainly should have been, if it was intended that the locality should harmonise with the objects of the meeting. I am told that there were civilians there and lawyers—civilians trembling for their places—lawyers in terror lest the death of some judge should find them sitting on that (pointing to the Opposition) side of the House. It was a saying of the late Lord Stowell, speaking of the effects of ambition, that "ambition breaks the ties of blood and forgets the obligations of gratitude." Here we have men who owe to the patronage and favour of the noble Lord their partial emergence from Parliamentary obscurity, and they have joined in this disreputable and contemptible cabal against him. But, Sir, the noble Lord at the head of the Government did not satisfy my notions of what was right in the observations which he made the other night upon this question. I shall not comment upon what he said, but rather upon what he did not say. I did not hear from him even the slightest whisper of regret that the noble Lord the Member for London had left the Government—I did not hear from him even the slightest return of the sincere expressions of admiration and the compliments which were paid to him by the noble Lord who had just seceded. I thought that the noble Lord was intoxicated—[*Laughter*]—no, no, I do not mean that—intoxicated with the notion—in fact, that he was willing to say and feel exactly what Sir Robert Walpole felt and said when he prevailed upon Mr. Pulteney to accept a peerage, when he said, "I have turned the key of the closet against him," and it appeared to me as though the noble Lord thought he had got rid of his ancient rival, and that he now stood upon the floor of this House without a competitor as leader of the Whig party. I said in the first part of my observations that this was a question of a vote of want of confidence in the noble Lord. I understood the hon. and gallant Member for Huntingdon (General Peel), who moved the previous question, to say, that if it was a vote of want of confidence he should support it, and I think the noble Lord who seconded that Amendment also expressed the same opinion. Well, Sir, I regard it entirely in that light—namely, as a vote of want of confidence in the noble Lord, and upon that ground I shall give it my support. And here I would ask the House—I would ask the hon. Gentlemen near me, who were in the House on Monday night, and who heard the speech of the Prime Minister of the Crown—and the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) dealt with it with some degree of severity on that occasion—to recollect what was the assembly to which the noble Lord spoke. It was one of the most august assemblies in the world—the select men of this great empire. What was the subject which we were discussing? A subject of vital importance to the present and future prosperity of the kingdom. What was the time? A time the most critical that can be conceived in the circumstances of this kingdom. And who was the speaker? The speaker was a man to whom the Queen has delegated the functions of the highest office in the kingdom under the Crown. And what a speech it was! I will not describe that speech with minuteness, because the impression made by it must be upon the minds of all who heard it. Since I have been in this House the noble Lord is, I think, the fourth person I have seen occupying his position. I recollect Sir Robert Peel being Prime Minister and leader of the House of Commons, and I appeal to all who were in the House when he was here whether they do not well recollect the gravity, the moderation, with which all his proceedings were conducted, and the respect which he always showed both to himself and to this House. I have seen the noble Lord the Member for London at the head of the Government, and leader of this House; and if the noble Lord, as leader of this House, manifested somewhat less force and somewhat less success, yet there was not less marked in him gravity, attention, moderation, and dignity, and a great respect for the House of Commons. I have also seen the right hon. Gentleman the Member for Buckinghamshire, not in the office of Prime Minister, but in that only second to it—that of leader of the House of Commons—and for a longer time, too, than the noble Lord the Member for Tiverton (Viscount Palmerston). Assailed as he was by a known majority, assailed with unusual virulence, assailed by those who were only anxious to devour him, the right hon. Gentleman fell, but he left no stain upon the distinguished office which he had held; and I appeal to every Member of this House—except, of course, the various Members of that cabal who excluded the noble Lord the Member for London—I appeal to every other Member of the House whether, if they look to the time of Sir Robert Peel, to the time of the noble Lord the Member for London, or to the tenure of office of the right hon. Gentleman opposite, they will not find in each of those cases something to admire and applaud, while they will find in the conduct of the noble Lord the Member for Tiverton that at which they are humiliated, and that which they must necessarily condemn. This is a proof of what a little reflection would show us, that the Queen may make a Minister and a Prime Minister, but it is not in Royalty to make a Statesman. Sir, if I had no quarrel with the noble Lord upon his policy—if I felt to him that sort of indifference with regard to his policy which I do with regard to many men in this House who are in a prominent position —still I could not reconcile it to my duty to this House and to the country to refrain from commenting upon a course of conduct which I think no Prime Minister and no leader of this House ought to be guilty of. If the waters were smooth, if the skies were clear, I could not have confidence in the noble Lord. But, Sir, the waters are not smooth, and the skies are not clear. They never were less so. You are at a most critical hour of your national career. You have a war on your hands which the noble Lord the Member for London has measured very differently from the measure which he gave to it some year and a-half ago. The noble Lord, when he introduced his Reform Bill, on the 13th of February, last year, objected to those who proposed that the Bill should be withdrawn on account of the war. He said—

> "Much as I abhor war, much as I deprecate the evils of war, I confess I do not view a war with Russia with that apprehension with which some Gentlemen seem to regard it." [3 *Hansard*, cxxx. 493.]

I recollect the noble Lord once telling me that men who spoke so often and so much were not to be held closely to a single expression which might drop from them; but when it is a question of peace or war, affecting the interests of this country, not for this generation, but for future generations, every word of a Cabinet Minister should be weighed as though it were dropping from a Judge on the bench and affected the life of a convict at the bar.

This war, in my opinion, Sir, is taking dimensions very different from those which this House expected. You have now in the Crimea an army, I suppose, somewhat about the size of that which went there, or it may be a little larger. You cannot persuade your population either to pay taxes for the war or to fight your battles. Your Chancellor of the Exchequer—even the right hon. Gentleman (Mr. Gladstone), whose good intentions in this matter I greatly respect—must admit that he himself, as Chancellor of the Exchequer, or his successor, would be unable to meet the expenses of the war by the taxes of the year. If that is so, it only shows that there is an indisposition on the part of the people, clamour as they may for war, to pay the just burdens which the war imposes. More than that, the Government are obliged, or say they are obliged, to enlist foreigners from every nation under Heaven, because they cannot prevail on their own countrymen by any moderate bounty to enter their service and go to the war. I met a gentleman last night who told me a very distressing fact regarding a relative of his own, a young boy only seventeen years of age, who had undergone no military drill or studies whatever. This lad was ordered abroad. His father applied to the Horse Guards, and remonstrated against his being sent to the Crimea, where in all probability, from his youth, he must immediately fall a victim to the climate. The father was told by the authorities that he need not be alarmed, that his son would only go to Malta, where he would remain for a twelvemonth, and be put through the drill, and then he could go on to the Crimea, if necessary. The lad, however, had not been at Malta three weeks before he was sent to the Crimea. He landed there on the 16th of June; on the 17th he went up to the trenches; on the 18th, with his company, he withstood that murderous fire from the Redan; and now, according to the last accounts from him, he is still day after day subjected to the horrors of the siege. [*A Laugh.*] Of course the hon. Gentleman laughs; but I want to know whether it is the intention of the Government or of the Parliament of this country to carry on wars with boys of seventeen years of age to officer your armies, who have moreover undergone no preliminary drill? Do not facts like these show the difficulties you are encountering and the magnitude of the contest on which you have entered? Many other circumstances have come to my knowledge some of which I will refrain from stating here at any rate, because I do not wish to say anything that may adversely influence the fortunes or the interests of this country. I have said that I can have no confidence in the noble Lord in regard to this vast undertaking. I am afraid that Parliament is about to separate—I presume only till November at the latest, and that for a period of three months the conduct of the war and all the affairs of the country are to be left in the hands of a Government, in whom—and I say this advisedly as a fact of which I am quite sure—a large majority of this House do not feel that confidence which we would wish to repose in any Cabinet which had the public administration intrusted to it. It may be that the noble Lord the Member for Tiverton does not shrink from the policy which he is pursuing. Bear in mind that his policy is not that of Lord Aberdeen, nor that of the right hon. Member for Carlisle, of the right hon. Member for the University of Oxford, or of the right hon. Member for South Wiltshire; neither is it that of the noble Lord the Member for London. It is not the policy of any one of the Statesmen whom I have named; and probably, also, it is not even the policy of some who now sit on the Treasury bench. It is the policy of the noble Lord at the head of the Government. He will not blame me for thus fixing it upon him, for he does not shrink from avowing it. The noble Lord appears to me to be insensible to the fact that clouds are now gathering about the horizon of this country, and seems not to know that his policy in the continuance of this war is the doom of death to thousands and tens of thousands—of desolation to many homes in England, and of sorrow to millions of hearts. He may, perchance, never see that which often comes to my vision—the interminable and ghastly procession of our slaughtered fellow countrymen, to which every day and every hour is adding fresh lists of victims. Sir, I behold all this—I speak under the apprehension of it. I have no faith in the policy of the noble Lord. I believe his conduct as a Minister to be humiliating to the House of Commons, and full of peril alike to the Crown and to the country.

SIR DE LACY EVANS: Sir, I feel somewhat embarrassed in rising to address the House immediately after the eloquent speech to which we have just listened, but, sharing as I have done in many of the operations, and some of the sufferings of our army in the Crimea, I feel bound to offer a few observations on this Motion. I entirely concur, Sir, with the hon. Member for Manchester (Mr. Bright) in considering that the tone and manner of the noble Lord at the head of the Government have not been satisfactory or respectful to this House; but, nevertheless, that I regard as a very subordinate and secondary matter, in comparison with the policy of this country in regard to the great contest in which we are engaged. I must congratulate the noble Lord the Member for London (Lord John Russell) on the eulogium which has been pronounced on him by the hon. Gentleman who spoke last. Ever since the noble Lord returned from Vienna, to the surprise of the country, as the apostle of peace, of course he has been received with open arms by the hon. Member for Manchester and his Friends. The House, Sir, and the country are, in my opinion, greatly indebted to the hon. and learned Gentleman (Mr. Roebuck) for his labours in presiding over the Committee, and for the just and impartial spirit by which he has been guided. The results of the inquiry I regard as being of the highest importance; but the hon. and learned Gentleman has, I think, made a mistake in supposing that those results are only available as affording materials for a denunciation so sweeping as that which he has embodied in his Resolution. Indeed, I should have perhaps had less difficulty in supporting the hon. and learned Gentleman, had he not, by the intensity of his feelings, been led into proposing so comprehensive and vehement a declaration of censure. The Resolution, if carried, would have the effect of, as has been already stated by the noble Lord the Member for the City of London, excluding from office almost all the eminent men of any note in this House, and prevent them hereafter from holding office. I think it would be impolitic to condemn the body of these Gentlemen to utter exclusion from the public service. At the same time I cannot concur in giving this subject the go-bye by means of the previous question, as proposed by the hon. and gallant Member for Huntingdon (General Peel); neither can I concur in the proposition of the hon. and gallant Member for Cambridge (Colonel Adair). I must say, at the same time, that the vehemence of the hon. and learned Gentleman's denunciations is greatly extenuated by the shortcomings of the late Government, and—I am also sorry to say—by the deficiency of energy shown by the present. Our Government had had two years' notice of this conflict, the date of Sir Hamilton Seymour's most important series of despatches going as far back as January, 1853. These despatches only came to the knowledge of this House accidentally last year; but it was impossible to read them without seeing that a great contest was impending over Europe. The Government of this country, however, did not then make the smallest effort to meet so serious a contingency. They, indeed, about that period took alarm, groundlessly as I thought, at the danger of a French invasion; and the noble Lord (Viscount Palmerston) then insisted that nothing would place England in a position of safety but a militia. I and others, who did not share in the apprehensions of danger from that quarter, admitted, nevertheless, that the Government ought to be better informed than we could possibly be; and we, therefore, recommended that, if an invasion was really threatened, it should be met by an addition to our regular army. Our advice was, however, totally rejected. That is the first instance of want of due attention to contingencies that were imminent. Then we have it in evidence that Lord Aberdeen saw reason to apprehend the present contest about three months before war was declared; but was there a sailor or a soldier added to our force on that occasion? It was said that, at all events, the militia should be put upon an adequate footing; but no, the noble Lord stated it was much more prudent to allow the body of the people to be employed in the business of the harvest, and it would be inconvenient to interfere with the operations of agriculture. No very great while ago the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) complained of this very thing, and the noble Lord rose in a towering passion, and spoke of the impolicy of taking such a step while negotiations were going on. Well, negotiations went on for a long time, but at last the Government was obliged to proceed to action. What was done then? Why, 10,000 men were sent to Malta, and afterwards moved on to Gallipoli, and after that to Scutari. In fact, it had been supposed we could carry on war against the greatest military Power in the world by means of demonstrations and protocols. But what could 10,000 men effect against a military Power like Russia? Some evidence has been taken as to putting this small army into a moveable state, and strong assertions have been made on the subject by the Assistant Secretary of the Treasury, Sir Charles Trevelyan, who at the time had the direction of the Commissariat. As I happened to pass through Malta immediately after the Commissary General, sent out under the direction of Sir Charles Trevelyan, I asked by accident what means of transport had been procured, and I found that, in order to provide for this army of 10,000 men, he had bought thirty mules and thirty carts. It may have been thirty-five, but I believe I am correct when I say thirty was about the number. This Assistant Secretary to the Treasury gave his evidence before the Committee in the most haughty style, repudiating the humble statements of officers of all ranks, and saying that it was high presumption on their part to pretend to know anything at all about the Commissariat, that he had been fifteen years at the head of the Commissariat Department, that he knew better than they did, and that he had letters from Commissariat officers in the Crimea contradicting the statements which had been made. Now, I observe that, in a book recently published in defence of the late Ministry, every statement of Sir Charles Trevelyan is quoted as a positive fact, and every statement of other witnesses, contradicting him, as just the reverse. How is it, I ask, that the noble Lord at the head of the Government and the noble Lord the Member for the City of London (Lord J. Russell) allowed the army to depend for everything on this Gentleman of red tape, who so presumptuously talked of having conducted two Cape wars, as though it were the easiest thing in the world to conduct war from a Treasury closet. This Gentleman did not seem to know that a Cape war was no rule or guide in this matter. Operations at the Cape were conducted by very small columns of men, seldom exceeding 1,000; and, to show the enormous means of transport which the country afforded, I may mention that Sir Harry Smith took no less than 500 waggons with only 900 men, in one expedition. I just allude to this because, really, the noble Lord at the head of the Governernment and the noble Lord the Member for the City of London ought to have stepped forward and assisted the Duke of Newcastle, since they knew of the condition of the military departments. I say they specifically were wanting in consideration for their colleague, because they sat on a Commission seventeen or eighteen years ago for examining into the whole of the military departments of the country, which reported that those departments were in a most unsatisfactory and disorganised state, and ought to be consolidated and put on a new footing altogether; and yet they never did anything to relieve their colleague from these great embarrassments with which they were so intimately and peculiarly acquainted. There was every species of tardiness with regard to putting the army we had sent to the East into a state of movement, and I am afraid what the hon. Member for Manchester (Mr. Bright), states is not without foundation, that subsequent operations were guided chiefly by the current of public opinion, and the great dissatisfaction which the public Press, representing the public mind, expressed at the prevailing inaction. But I do not concur with him in his denunciation of the public Press, or of the particular journal to which the hon. Member alluded. Whatever unfounded observations may have been made on individuals, when we recollect the immense benefits conferred on this country by its being awakened to the state of the army, I cannot believe that any man with a heart in his body can condemn the Press. For my part, I know not, had it not been for the public Press of this country, and for the chivalrous and energetic conduct of our noble ally, the Emperor of the French, whether our army might not have perished. It is very unwillingly, indeed, that I make these remarks. I would much rather have said nothing whatever upon this debate, but some of the observations of the hon. Member for Manchester impose on me the necessity of saying I totally and completely differ from him in all those repeated observations about the calamities, the disasters, the misfortunes, the perils, and the frightful condition of our army in the Crimea. I think it unfortunate that Gentlemen should repeat these statements so frequently, though I am not surprised at it. No doubt our army has suffered very much, but I have known sufferings before, though, perhaps, not so unnecessary. I have every reason to think that there has been a good deal of exaggeration. I deeply lament what has occurred, but when this part of the subject is dwelt upon so much, it conveys an erroneous impression throughout Europe and throughout this country. We have suffered very much, it is true, but not to an extent to cause alarm or apprehension as regards our national power or the results of this contest. Before I proceed further, I will say I differ also from the hon. Gentleman (Mr. Bright) with regard to the policy of the noble Lord at the head of the Government. I have a considerable degree of confidence in his spirit and determination, and, therefore, whatever other opinions I may have I do not feel justified in giving a vote which will precipitate him from power. But I am not completely content. I am not satisfied that the noble Lord has shown that energy which his supporters expected. He has now been some months at the head of the Government, and I do not see any great augmentation of our military force. I am sorry to say that up to a recent period this system of protocoling and depending on Conferences at Vienna has weakened and paralysed the operations of the Government. The Duke of Newcastle, much impugned as his conduct has been, before he went out of office authorised a treaty with the Turkish Government for the formation of a contingent of 30,000 men. Six months have elapsed and not one battalion has taken the field. I speak from experience, and I know, in the case of a foreign legion which I commanded, a considerable portion was under fire before the enemy within six weeks of authority being given, and that was under the direction of the feeble and unenergetic Government of Spain. Six months have passed; some 5,000 or 6,000 men of the Turkish contingent have been collected on the Bosphorus, and drilling is still going on. That, I think, affords no great proof of the practical energy of the noble Lord, nor can he claim much credit from the state of General Beatson's corps, which I know was organised eight or nine months ago, and yet I do not believe that the horses are yet procured. The noble Lord at the head of the Government was at one time considered the *beau ideal* of a militia Minister, but, although a militia force has been voted by the House, little more than one-third of that force has yet been raised. I think the noble Lord has expressed his opinions so strongly upon the subject of the militia, because during the French war that portion of our military force was of very important service. There is, however, no very great likelihood that we shall now want a militia as much as when we were engaged in a war with France, and when there was a perpetual necessity of guarding our coasts from invasion. We are now completely free from any ground of apprehension of that nature; therefore it is not certain to my mind that it is expedient to have a large and extensive militia. I find the Estimates for the regular army to be about 7,300,000*l.*; and the Estimates for the militia to be 3,800,000*l.*, and that for a militia which is unavailable for the war which is now being carried on. It is true, we have gained a considerable reinforcement to our army by the system of volunteering, but, in consequence of placing the recruiting system on a false basis, we are in fact checking enlistment in the army. The consequence is that, on one side of a village we are enlisting for the army, and on the other side we are enlisting for the militia. This is one of the chief obstacles to the reinforcement of our army. With regard to the Foreign Enlistment Bill, I entirely disagree with hon. Gentlemen who endeavour to cast obloquy on the Government for endeavouring to raise that force. It ought to be remembered that this is not the first time England has employed foreign troops. During the last war 52,000 foreign troops were engaged in the British service, who afforded excellent assistance to us by their bravery. I am not quite sure whether we do not owe our liberties to some 14,000 of Dutch troops who came over here at an important crisis. I do think there has been great laxity on the part of the Government in carrying out the Act of Parliament on this subject. What has been the result of that Act which was passed seven months ago? Comparatively nothing. I have very little doubt that if the Act were effectively enforced a very powerful body of men might be raised. I am glad to see the recent appointment of the Duke of Cambridge as Generalissimo of the Foreign Legion. It reflects high credit on his Royal Highness to have allowed himself to be placed at the head of that force. I suggested it myself six months ago, feeling that nothing but good to the country could result from it. There is a practice prevailing in this country with regard to the enlistment for the army which I have always denounced; I mean the giving a nominal bounty, which has the effect of deceiving the men who enlist. You profess to give, for instance, a bounty of 6*l.*; but when the man has been induced by the offer of that sum to enlist, you immediately deduct a large portion of it for what you call supplying the men with necessaries. This is a deception, and greatly discourages men from entering the army. An end should be immediately put to it. It is altogether an unbecoming practice. It impresses the mind of the soldier with a feeling on his very entering the army that he has not been fairly treated, and it leaves a bitterness in his mind which is prejudicial to good discipline. During the French war a much larger bounty was paid than is now offered, although the urgency of the case was not greater then than it is now. How can you expect to get ablebodied men to enter your army for such a small bounty as that which you now offer them? It should also be considered that, notwithstanding the increase of population since the last war, there are various circumstances which drain your population now that did not exist forty years ago. Emigration to the Colonies alone takes upwards of 350,000 of your people a year from this country. Still, the increase of population would afford that draught upon it, and yet leave a good supply for your army, provided you offered an adequate inducement. And why should not this be done? If your population has doubled, your material resources have quadrupled since the last war. Add to this the improved state of moral feeling and of intellectual improvement—circumstances which contribute materially to the military power of a country. And yet, even forty years ago, we were able to command in Spain a force of not less than 67,000 men. I do not, therefore, think that the army which is now in the Crimea —some 30,000 men—adequately represents either the moral, the physical, or the material power of this country. I hope the noble Lord will display all the energy that has been attributed to him. I trust that the confidence which this House reposes in him will induce him to exert himself with rather more vigour than he has hitherto exhibited. I am of no party, either in this House or in the country. Those who will carry on the war most vigorously, whether called Tories, Whigs, or Liberals, shall have my support. Give me evidence of your determination to do all in your power to reinforce our army and keep up our fleets, and I will support you. We have a large army in India, numbering 280,000 men, of which 40,000 were English troops; and India is in a state of perfect tranquillity. Why should not the Queen's troops which are now there be called to the seat of war? Whatever may be said about the East India Company, one thing is certain, that they have so conducted their affairs that the inhabitants of India consider it a boon to be allowed to enter the army. I may be told that sepoys are inadequate to the performance of duty in our colonies. But will it be said that the regular sepoys are not competent to deal with Kafirs? Indeed, I doubt whether we ought not to have carried on all our military proceedings at the Cape by means of sepoys. Then, again, with respect to the Chinese colony of Hongkong and the island of Ceylon, sepoys are the best soldiers we can have there. I repeat, we possess in India means of which we ought to have availed ourselves before now. 40,000 European troops are not required in that country; instead of sending two regiments of cavalry we could with great safety and advantage bring away 5,000 of the Company's troops out of the 14,000 there, and 5,000 of the Queen's troops, which would be most valuable assistance in the Crimea. I am not gifted with the boldness of the noble Lord the Member for London, and shall not follow him in criticising the operations in the Crimea. Even were I competent to do so, the recollection that the grave had hardly yet closed over him who chiefly conducted those operations would induce me to pause; and, even in the difficult position of the noble Lord, I think it would have been as well if he had abstained from that course. But the noble Lord is a great authority in this House, and therefore all I say is, I have not the courage to follow his example. This is not the time nor the place to enter into a discussion of the policy of the expedition to the Crimea. Although I think

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immense mistakes were made, but chiefly arising from the Government not being in earnest and not being determined in their conduct of the war, when we look back I cannot find any cause for the apprehension and alarm for the future expressed by the hon. Member for Manchester (Mr. Bright); but I rather draw from the events of the past grounds of considerable encouragement and hope. Neither is this the time or place to show the necessity of the Western Powers pursuing this contest until the object we have in view is gained. It is important, however, to point out to the public of this country and to Europe that the allies have not sustained any disasters except certain losses from the climate, and from deficiencies of preparation, but they have met with no disaster at all of a military character. On the contrary, it is astonishing what dilemmas and disgraces have befallen the boasted immense military power of Russia. In the first place, although the late Government allowed the army to remain at Varna, or Gallipoli, or at Malta, instead of sending it on at once to co-operate with our gallant Turkish allies, yet I say no error was committed so egregious as that of the Russian chief in passing the Danube. The attempt to take such a wretched place as Silistria, defended by gallant but imperfectly organised Turks, was unsuccessful, and the Russian troops had to raise the siege, and were forced disgracefully to fall back across the Danube. Thus, after having for months treated English and French diplomacy with disdain, the Russians were driven out of the Principalities to their own territories. If nothing else had happened to damage Russia, I should say that she had suffered complete disgrace. In the next place, it is said an imprudent and hazardous enterprise was resolved upon late in the season. I am not prepared to decide that; but I was rather surprised to hear the right hon. Baronet behind me (Sir J. Graham) give an opinion that it was precisely the right time and place. For a civilian, I must say, that was a bold statement; however, I shall not enter upon that point. The expedition was resolved upon, carried out, and what disaster had there been? Our troops have overwhelmed the enemy in every serious affair, and it is a grievous error to allow it to be supposed that we have been defeated. Instead of that, we have inflicted severe humiliations upon the military power of Russia which domineered over Europe—we have beaten her armies, and we have maintained ourselves in the most vital part of the Russian territory. Upon the very first occasion that the allies met the enemy at the Alma, the Russians were defeated most signally, and so beaten were they that, although we marched through a country favourable for the operations of cavalry, of which they had a large number, while we had almost none, they made no attempt to impede our advance. I repeat, then, this is a most inappropriate time to allow it to be supposed by that ambitious, unprincipled, aggressive Power, that we shall cease our exertions until we have succeeded in inducing her to yield to fair and reasonable conditions. Even our present position on the Russian territory is a humiliation to her, and I have every reason to believe the siege works are going on well. I may here remark, that the description of troops sent out lately are not exactly such as could be desired. I have received a letter from an officer in the camp, who tells me I should not know my old division, so young and inexperienced are the men. However, what are the prospects of the army? The noble, indomitable spirit evinced by the people in regard to this war, of which the hon. Member for Manchester complains, to my mind holds out the most hopeful prospects. I am glad to find that spirit also pervades this House, which certainly has not rendered itself obnoxious to the reproach of having in any way impeded the conduct of the war. The most ample supplies have been voted, and every assistance has been granted to the Government to carry on a war the object of which is not an extension of territory, but the maintenance of an European Power and the defence of a threatened nation. When the expedition was first decided upon, many persons supposed we had not provided an adequate force; but I believe that even if our present army were to be absolutely annihilated this country would soon furnish a greater and more powerful one for the purpose of carrying on the war; but there is no such contingency likely to occur. The French Government have done their duty most nobly. They have done what is unexampled in the history of the world, in sending 200,000 men to such a distance, amply provided with every necessary. The public lose sight of the fact that the war has hitherto been carried on with uninterrupted success, and the slightest check is magnified into a great disaster. After the attack upon the Redan, the other day, every one seemed to think that we were ruined, that our army was destroyed, and yet we did not lose an inch of ground; on the contrary, I believe, our works have since then advanced. This impression on the public mind, therefore, ought to be corrected, for no war can be carried on without some checks. Public attention is directed at the present time solely to the succesful termination of the last war, but at some periods that war was infinitely more disastrous than this has been or is likely to be. But, suppose that all we have done proves unavailing, and we are obliged to raise the siege or to convert it into a blockade, what will be the consequence? I deny that we are unable to withdraw our forces if we think proper. We may put a large portion of our army on board ship, and ravage the Russian coasts north and south. What is the state of the coast of the whole Russian empire? Not a vessel is to be seen near it which bears the Russian flag. Our vessels can even penetrate to the Sea of Azoff, and bombard the towns on its borders. Is it to be supposed that the Russian people do not feel this to be a real calamity? Continue, then, the course you have begun, and I hope that no feeling will be permitted to direct our fleets similar to that which I am afraid prevented the bombardment of Odessa. [Sir J. GRAHAM dissented.] I am glad to hear that it was not the case. Do you believe that the Russian Government would spare any towns of ours if they had them in their power? Be earnest, and if the Russian Government choose to continue the contest, an unequal contest for them, against the united Powers of France and England, I am sanguine in my hopes that a total break-up of the vast Russian empire may be effected.

CAPTAIN GLADSTONE said, although he was a very humble Member of the Committee, and was not appointed until an advanced period of the investigation, he wished to state the reasons which would induce him to vote against the Resolution of the hon. and learned Member for Sheffield (Mr. Roebuck). He had no desire to serve on the Committee, both because he thought his position in the House was not such as to entitle him to be appointed, and because from personal considerations, which would be understood by the House, he was, he considered, in a great measure, disqualified from entering into the inquiry. He had left town, and on his return was much surprised to find that he had been nominated a Member of the Committee, but he bowed to the decision of the House and did his duty to the best of his ability. He had voted for the last paragraph but two in the Report, in which the calamities which had occurred were attributed more directly to the want of care and foresight on the part of the Government, and he cordially agreed with the hon. and learned Member for Sheffield, and the right hon. Member for Droitwich (Sir J. Pakington), in declaring the perfect unanimity which prevailed in the Committee up to the proposition of that paragraph. There was hardly any difference of opinion as to the allegations contained in the paragraph, but some hon. Members voted against it because they thought it implied a censure on the policy of the expedition. If that had been his opinion he should certainly not have supported it. The hon. and learned Member who proposed the Resolution was not opposed to the policy of the expedition, and the Committee, in an early part of their Report, expressly precluded themselves from offering any opinion on that policy. He felt no difficulty therefore in concurring in the first part of the Resolution, but nothing would induce him to concur in the censure contained in its concluding part. It was as well that the House should understand that these Resolutions were in no sense the Resolutions of the Committee—ten out of the eleven Members of the Committee were opposed to such a course. Some thought that it would be unwise and injudicious to bring them forward, others opposed them on stronger grounds, and the hon. and learned Member (Mr. Roebuck) was the only one in favour of them. He would briefly state why he could not vote for a Resolution censuring Members of either the late or the present Administration. When he considered that the Ministry against whom, properly speaking, the Resolution was directed, that high compliments had been paid to the Duke of Newcastle and the right hon. Gentlemen opposite—which he cheerfully acknowledged were well deserved—and also the length of time which had elapsed since the resignation of the Aberdeen Administration, he could not but think that the present Resolution would have the appearance of vindictiveness; though he was quite satisfied that the hon. and learned Member who had brought it forward had only done so because he believed it was a duty which he owed to the public. He (Captain Gladstone) could not vote for the Resolution, because he believed there was no precedent for such a proceeding. In all cases in which a Committee had been appointed to inquire into the conduct of the Government, and the Government had resigned, no further proceedings had been taken, whatever the Resolutions of the Committee might have been. The Walcheren expedition, which had been alluded to as bearing an analogy to the present case, did not apply to it, because that inquiry took place before a Committee of the whole House after the expedition, and the Committee came to the resolution that neither those who had ordered the expedition, nor the admirals, nor generals who had the conduct of it, ought to incur the censure of the House. He also felt that he must bear in mind that, after forty years of peace, not only would the heads of departments, but the juniors also, be unaware of the demand which war would make upon them, and that under such circumstances, whoever might be Minister for War, great errors must of necessity be committed. The Committee did not think that all the evils which had arisen were owing to the conduct of the late Administration, but that a great many evils had been caused by the state of ignorance in which the Government were kept as to facts of which they ought to have been informed at an earlier date. He also felt bound to remember that the Report of the Committee was not complete, though the opinion to which they came was fully borne out by the evidence before them; yet he could not but bear in mind that, if they had not been precluded from going into subjects, or from examining witnesses whom under the circumstances it was impossible that they could examine, then some of the opinions which they had formed might to a certain extent have been modified. It appeared to him that there was a wide distinction between appointing a Committee to inquire into the evils of commission and omission of the present case—which might prove a very useful beacon and warning for the present and future Administrations—and passing the most severe censure which that House could upon men of high honour and integrity, against whom no moral delinquency had been charged, but who, at the worst, had been guilty of errors of judgment, but who had exerted themselves to the utmost to repair evils as soon as they were aware of their existence. For these reasons he could not vote for the

Resolution of the hon. and learned Member; but in this he was not influenced by any desire to qualify the Report of the Committee, neither was he influenced by any feeling of confidence in the present Government, for this was not a question of confidence in the Government, and he believed that would be proved by the division list of that night. He was influenced in the vote he should give, solely by a desire not to be a party to pronouncing a severe censure on those whose counsels had led to a certain extent to calamities which they all deplored, for he considered that passing such a vote of censure would be an act not only of harshness but of injustice. Before he concluded he was anxious to make an explanation which Admiral Dundas had desired him to do. The gallant admiral was anxious to read before the Committee certain letters and documents, which he was precluded from doing because he had not asked the consent of the Government, and he thought that they were essential to prove that he was not guilty of neglect with regard to the fitting up of transports for the sick. The gallant admiral considered that the transports were not under his command, but under that of the Commander in Chief of the forces and Captain Christie. The right hon. Baronet (Sir J. Graham), in his evidence before the Committee, declared that the transports were under the command of Admiral Dundas, and so undoubtedly they nominally were, but practically he appeared to have exercised very little control over them, being for a great portion of the time at a distance of ten or twelve leagues, and they were, in fact, under the command of the Commander in Chief and Captain Christie. The House would recollect the dreadful sufferings which were caused by the neglect to fit up transports for the sick, and would be surprised at the statement which he was about to read, but he thought that it ought to be given, in order to show that there was, among those in authority, considerable difference of opinion as to the necessity of fitting up transports at all. The information he was about to give to the House was derived from the secretary to Captain Christie, who had arrived in England, but too late to be examined by the Committee. He stated that "before the battle of Inkerman, or about that time, Captain Christie held a Board of army medical officers to decide on the fittings required for the steamers told off for the service of the sick, and this Board decided against any fittings whatever, recommending for the sake of better ventilation and cleanliness that the patients might be placed on beds laid on the deck. For this reason, and this reason alone, no steamers were at that time fitted up for the use of the sick." It was not for him (Captain Gladstone) to offer any opinion on the reason thus given for not carrying out the orders of the right hon. Baronet (Sir J. Graham), but he thought that, as Admiral Dundas had been precluded from giving his explanation, he ought now to have the benefit of it. Having made the above statement, he should feel it his duty to vote against the Resolution of the hon. and learned Member for Sheffield.

MR. MUNTZ said, that he rose to state why he felt compelled to vote for the Motion of the hon. and learned Member for Sheffield. It appeared very strange to him that, as there was great fault somewhere, as there were great disasters, troubles, and losses, and as the whole nation was ringing with complaints, it appeared strange that there was no one in fault. He would then ask at the outset a very simple and plain question—he wanted to know who was in fault? There never was smoke without fire; and he was certain that, in this case, where there had been so much mismanagement, some one was to blame, though he did not pretend to say who those individuals were. In private houses, when anything was broken or went amiss, it was said that "the cat did it;" and the hon. and gallant Member for Westminster (Sir De Lacy Evans) had partly let a cat out of the bag when he said that Sir Charles Trevelyan had made so few preparations for moving the troops; but how many more cats there were to be let out, he could not say. He did not think that it was necessary to go through the evidence of the Sebastopol Committee, or to refer to the information given by the Press, to ascertain whether the late Government was to blame—it was only necessary for them to read the letter of the noble Lord the Member for the City of London to Lord Aberdeen, in which it was urged that the present Prime Minister should be Minister for War. From that letter it was evident that the noble Lord thought that the war was not carried on with sufficient energy. He (Mr. Muntz) considered that all the Members of the late Government were to blame; he could not admit that only one was to blame, as then all the censure might might be thrown upon some scapegoat, and all the rest might escape. He charged Lord Aberdeen's Administration with a want of foresight, candour, determination, preparation, care, and a want of knowledge. They wanted foresight, or they would have foreseen what the intention of the Emperor of Russia was, for it was perfectly evident, from what was stated by our Ambassador, that the Emperor intended to make war upon "the sick man." They wanted candour, or they would have told the Emperor that if he did make war upon "the sick man," not only would they oppose him, but that they would make war against Russia if she crossed the Pruth. Had that been clearly stated, he believed that Russia would then never have crossed the Pruth. The Emperor of Russia would have remained satisfied on the principle that he would do it if he could, but that he could not if he would. An endeavour had been made to separate from the question now under consideration the policy of the expedition to Sebastopol, but he did not see how they could separate those questions. He had supported the principle of a defensive war for the protection of Turkey, but had never dreamt of an offensive war, and he was therefore astonished when he heard of the intention of sending an expedition against that place. The House and the people of England had been cautioned by him at the time not to disdain the Russians, and hold them too cheap. He had quoted the remark of the Emperor Napoleon, who after the battle of Austerlitz, had observed that no troops could have beaten them but his own, and, although our soldiers had displayed the greatest courage and ability, they must remember that, notwithstanding, many of them had been destroyed in their encounters with the enemy. It was in his opinion a most unwise determination to besiege Sebastopol as we had done without previous inquiry as to the strength of the fortification, the extent of the force that would be required, the resources of the country, and the possibility of investing the place. It was a worse policy than that adopted nearly 2,000 years ago—for Julius Cæsar had, before invading Gaul, taken every opportunity of examining merchants, travellers, and others respecting the country, its resources, and the character of its inhabitants. From not having pursued a similar course, we were now, before Sebastopol, more as the besieged than the besiegers. He would ask, too, whoever heard of a fortified town being assailed on one side with every facility existing on the other for reinforcements of troops and fresh supplies of food and ammunition being brought in? Having, however, gone to Sebastopol, he trusted the allied army would not retire until the place was taken. He disliked war even as much as the hon. Member for Manchester (Mr. Bright), but he was of opinion that the retirement of England and France from the Crimea would induce Russia to carry her encroachments upon the liberties of Europe, even farther than she had hitherto done, and leave her more powerful and more encroaching than before. He could have wished that the Motion of the hon. and learned Gentleman had not been brought forward, for much of the blame was to be attributable to the late Government, and though many Members of that Government formed part of the present Ministry, there was a vast distinction between the two cases. On the whole, he was disposed to vote for the Motion more immediately before the House; but he warned the Government that no Administration could long retain power which was not united in itself, and determined to carry on the war with vigour. There must be no peace party and war party in it, for it was necessary that both our friends and enemies should know that the Government of the country were united, heart and hand, in the prosecution of the war.

MR. SIDNEY HERBERT: I hope, Sir, that the House will be inclined to grant me its indulgence on a subject with which I am particularly connected, and upon which, therefore, I am more than usually anxious to receive that indulgence. In the first place, let me state that it is my intention to vote against the Motion of my hon. and gallant Friend opposite (General Peel), and I will tell the House why in a very few sentences. Personally I stand in a position different from that of most hon. Members, being one against whom, in the words of the hon. and learned Gentleman the Member for Sheffield, counts of an indictment have been preferred. It has been said I and my friends near me attempted to burke the appointment of this Committee; that we were afraid of the investigation; that we shrank from an examination of our conduct. If we laboured under such a suspicion it shall not be said that, when that investigation was completed, we shrank from meeting the verdict of the House of Commons upon the evidence laid before them. I cast no blame on the present Government, many of whom were my colleagues, and are included in the condemnation of the hon. and learned Member for Sheffield; but I say we are justified, after all the blame cast upon us, all the accusations which have been brought against us, all the exaggerated statements that have been made, in asking the House to discriminate and say how far we are personally culpable. There is some difficulty in knowing whom the Report of the Committee intends to distinguish, and, indeed, there seems to be some difference of opinion among the Members of the Committee upon that point judging from their speeches, but the right hon. Gentleman the Member for Droitwich (Sir J. Pakington) says, "Recollect, you are not discussing the policy of the expedition to Sebastopol." I thought when I read the Motion of the hon. and learned Gentleman (Mr. Roebuck) with reference to the whole of the Report, that it contained not only an opinion, but a strict condemnation of the policy of undertaking the expedition; and when the right hon. Baronet made the statement I have just alluded to, he said—

> "If you look, after all, at the *résumé* at the end of the Report of the noble Lord the Member for Totness (Lord Seymour) you will see exactly the opinions expressed in the Report, and, on looking, I find under the very first head that the expedition to the Crimea was undertaken with means inadequate for the military operations to be performed."

[Sir J. PAKINGTON: Hear, hear!] Well, is not that a condemnation? Do subsequent circumstances alter the efficacy of the means which were first adopted? To be plain on that question, I do not shrink from discussing the question of the policy of the invasion and the siege of Sebastopol. All I wish to say is, that the right hon. Baronet opposite is entirely illogical when he says that we can discuss the Report without meddling with the question of policy. The right hon. Gentleman says that we must not discuss that policy, because we shall trench upon delicate questions affecting the alliance between England and France. It may be in the recollection of the House that, in the discussion upon the appointment of the Committee we took the liberty of informing the House of the danger that would arise from an investigation of this sort; we said, "One of two things must happen, either you will enter into questions that will give offence in France, because you will have to be giving critical opinions upon the conduct of the French Government, or by avoiding those questions you will come to no conclusions or come to conclusions on insufficient grounds, and be unjust to individuals, making attacks upon men who will not have the opportunity of being put face to face with their accusers."

The right hon. Gentleman the Member for Droitwich said with great solemnity that he would not consent to be a Member of the Committee except on two or three conditions—the first of which was, that the investigation should be a searching one. Well, but has it been so? What do they say almost in the very first sentence of their Report? They regret that persons are left under imputations with regard to which they can pronounce no conclusive opinion. The fulness of the investigation has been restricted by consideration of State motives, and so on. That, I think, is a perfect admission that one condition which the right hon. Baronet put forward has not been fulfilled, and, therefore, the opinion which he has given loses the weight which it otherwise would have had. The right hon. Baronet has put himself out of court by showing that he went into the Committee-room under circumstances which made it impossible for him to arrive at a fair conclusion on the issue committed to his judgment. Let me say, that I believe that all those Gentlemen went into the Committee-room sincerely and honestly determined to do their duty; but they had a duty put upon them which it was impossible for any men properly to discharge. That, however, was not their fault, but the fault of the House of Commons. The hon. and learned Gentleman below me (Mr. Roebuck) discharged his duty as Chairman of that Committee with great assiduity, and the course which he has pursued in bringing this Motion before the House is one of which I do not in the least complain. He was Chairman of the Committee, and when the Committee had reported, and he had laid that Report on the table, nothing could be more just or more constitutional than that he should make a Motion in accordance with that Report, to test the opinion of the House as to whether it thought the Committee had discharged its duties rightly or not. When I say, therefore, that the Committee have done injustice, I do not mean to cast imputations on them. I have no imputations to bring against the Committee, but I say they had no option left to them;

they must either have gone into questions which would have trenched on delicate ground, or else they must have had, as they have had, a half investigation. They must either have acquitted men for want of sufficient evidence, or they must have condemned men on a guess that there was evidence behind which would have condemned them had it been brought forward. I saw this plainly from the first, and, I was almost going to say, that I could have written the Report beforehand, but there are some parts of it certainly which I could not have written. It was impossible for the Committee to have avoided it, but they have left imputations by insinuations rather than by open attack, upon absent men who have never been heard, and who, in one or two cases, I grieve to say, never can be heard. The right hon. Baronet says we must admit that the Committee has been very guarded in not going into questions of a delicate nature, that there is nothing in the Report which touches upon the subject of our alliance. But is that so? He says the Committee give no opinion as to the extent of the lines, the distribution of men, and questions such as that, which were to be settled between the allies; but the Committee do say, that one of the great causes of the sufferings of our army was overwork, from the inadequacy of the force to the mileage of the lines which it had to occupy. Now, the army before Sebastopol, mind, is an allied army—to be treated as one force; do you, then, mean to say that the whole force—English and French combined—was inadequate to the occupation of the lines? You cannot mean that, I imagine, because that is an imputation at once on the French Government? Do you mean, then, that the English force was inadequate, and not the French? If you do, have you asked why arrangements were not made for a better distribution of the forces? No, you have not; you have left the question without determining it, but with an implication of blame both on the French and English Governments which you could not justify, because you were obliged to abstain from taking any evidence which would have thrown light on the point. The right hon. Baronet, therefore, with all respect, assumes too much when he says the Committee have successfully avoided this danger. Now I want to show how, in spite of themselves, the Committee have been obliged to run into these errors. They say that the expedition to the Crimea was undertaken with inadequate information, an assertion which I do not think they were justified in making, for, though it may be true, they certainly had no means of knowing whether it was or not. Now, whatever information the English Government received it placed at the disposal of its ally, and whatever information the French Government received it of course placed at our disposal; and if the information, therefore, on which the expedition was sent to the Crimea was insufficient, you blame both the French as well as the English Governments. If you cast blame upon one you must cast blame on the other. You cannot escape from the dilemma.

The right hon. Member for Droitwich says we are not to discuss the expedition to Sebastopol, but I think the Report itself has necessitated that discussion. All that we have to discuss, according to him, is the truth of the Report, and he maintains that the truth of the Report is unassailable, because, if we look to the margin of each paragraph, we shall find references to the evidence on which it is founded. Now, with regard to that point, I must say I do not think the Report itself goes so far as the speech of the hon. and learned Gentleman below me (Mr. Roebuck). The hon. and learned Gentleman spoke of the army as being starved, and the hon. and learned Gentleman the Member for Enniskillen (Mr. Whiteside) followed in the same strain, but the Report does justice to the Commissariat in this respect; and, certainly, it is going very much too far to say that everything which was asserted during the winter is proved by the Committee. First of all, it was stated that the men were dying of hunger; but what turns out to have been the case? That short rations were issued during the space of some days; but here the Committee omit to mention that even short rations there are large rations, because a ration in the Crimea is twice as large as a ration in England. The general tenour of the evidence is that the men were well fed; all the officers concur in stating that. My noble Friend who drew this Report must have drawn it, I think, in a great hurry, if he will allow me to say so, for in one or two cases he has done grievous wrong to some public servants by it. In one part he quotes a statement by a Board of officers, contained in the appendix, to the effect that the men for some time went to the trenches with an insufficient meal, and oftentimes with none at all, save a little rum and biscuit, and he goes on to remark with great truth, that any result derived from an average of rations is delusive, because privation on one day cannot be compensated by superfluity on another. It certainly would have been only just to the Commissariat to quote the very next paper in the appendix, signed by Deputy Assistant Commissary General Bartlett, which entirely contradicts that statement. Mr. Bartlett says—

> "With reference to the last part of the above statement, I beg to observe that the daily issues to the division in December and January are shown in the two statements forwarded by me some time back, and that such issues were made between morning and night of each day; the supplies short issued in the beginning of the fortnight were not, therefore, made up by supplies served out in the latter part of it."

The hon. and learned Gentleman the Member for Sheffield stated last night that our men were badly armed, but that has been contradicted by the hon. and gallant General (Sir De Lacy Evans). One or two points of that kind were made by an hon. Gentleman opposite, who repeated many of those assertions which were made in the winter, but which the evidence before the Committee has pretty satisfactorily disproved. Why, I remember how my right hon. Friend near me (Mr. Gladstone) was attacked for contradicting a statement which was then afloat to the effect that our army in the Crimea was reduced to somewhere about 8,000 men, I believe. Well, that estimate of our force turned out to be grossly erroneous. I do not mean to say that these things are falsehoods; they are the gossip of the camp, picked up by men who do not understand the facts, and spiced with a few touches of the imagination in order to make them more readable in this country. You did a great injury to your army by these assertions, because it was naturally said, throughout Europe, "The English would never make these statements about themselves unless they were strictly true." Now, I will read you a Sardinian opinion upon the state of the English army. A correspondent of the *Opinione*, of Turin, writing from Kamara, says—

> "Arriving here, I thought to find the English army in a miserable condition. But imagine my surprise to behold a magnificent army, largely provided with everything you can imagine, full of enthusiasm, and complete in discipline."

[Mr. OTWAY: What is the date of that?] About a month ago; but let me remind the hon. and learned Gentleman below me of the prophecies which were uttered as to what was to happen. You said that when the summer came nothing would be left but Lord Raglan and his staff, and the plate and china. We have gone on fouling our own nests in that way, and have forgotten the great and eminent successes and triumphs which have been accomplished by that army. We have not done justice to their efforts, because we have forgotten also the extent of the disgrace and failure which has attended the Russian arms. The hon. and learned Member for Enniskillen (Mr. Whiteside) spoke at considerable length upon a subject which forms one of the principal portions of the discussion, because it bears upon the policy of the attack upon Sebastopol, and he said that we had no information as to the strength and capabilities of the place which we were about to attack. But how did the Committee arrive at the fact that we had no information? They examined two persons upon the subject. They examined my right hon. Friend the Member for Carlisle (Sir J. Graham), and they asked him whether, in his opinion, the information which had been obtained by the Duke of Newcastle was reliable information? My right hon. Friend said, in answer to that, "Instead of giving you an opinion, I will give you a fact;" and he then related a story of how a gentleman went to him and gave him such and such information. The Committee thereupon seem to have jumped to the conclusion that that was the only information possessed by my right hon. Friend. Then they asked the Duke of Newcastle—

> "You have stated that you have received reports from our Consuls in the East as to the condition of the Russians in Odessa and the Crimea?" He answers, "I did." They ask, "Would it be unadvisable to submit these Reports to the Committee?" and he answers, "I think so; but I should not have the slightest objection to give a sufficient outline, in the first instance, of the Reports."

He mentions that he obtained a good deal of valuable information from the late Colonel Du Plat and others; and then they asked—

> "Had you no information from anybody in the Crimea; we had no Consul there; had we, anywhere nearer than Kertch?" His answer is, "No. Odessa is on the one side and Kertch on the other."

But the Committee never asked, "Had you any further information?" and they jump at the conclusion that the information from the Consuls at Kertch and

Odessa, and from the late Colonel Du Plat, was all that the Duke had received. How stands the fact? Who gives that information? Is it given, do you suppose, by persons who produce documents and vouchers? No; the whole thing, generally, is surreptitiously obtained—you must gather it by comparing reports one with another, and must do the best you can; but bear in mind that it is generally secret information. I will just give you an instance to show you how secret it is. The noble Lord now at the head of the Government got some information of a remarkably accurate description. It was given to him in the strictest confidence. It was contained in letters written by a man evidently intimately acquainted with the subject upon which he was writing. Persons reading the letters might, perhaps, form a guess as to who the writer was, but the information was given to the noble Lord under such a seal of secrecy that he never revealed to his colleagues whence it came, and nobody, save himself, with the single exception, perhaps, of Lord Clarendon, has the remotest notion at this moment who was the writer of those letters, which were singularly accurate, and showed a remarkable and minute knowledge of the subject, which was of the greatest value to the Government. But the Committee had no right to say, because these things were not placed before them, that, therefore, they did not exist; because, in doing so, it is not the English Government only that they blame, but the French Government also — those masters of strategy whose military system is so perfect—and the Committee also make a charge against the Government that they sent an expedition to the Crimea upon nothing but information from a gentleman from Kertch, who gave it to the right hon. Baronet some time after the expedition had sailed.

I now pass to another question which it is necessary to touch on, merely premising that there are some small acts of injustice personal to myself in the Report of the Committee, of which, however, I do not complain. For instance, it is said that there were no forms to check the accounts.

Lord SEYMOUR: No record kept of stores, either medical or belonging to the purveyor.

Mr. SIDNEY HERBERT: The noble Lord asked me—

"Then, with regard to the apothecary, who, at least, if he did not give medicines, ought to have kept accounts, it is stated, at Question 12,979: Mr. Maxwell stated, 'I do not understand much about book-keeping, but, upon examining those books, I found that there had not been an entry made in either of them, from the 24th of September to the 28th of November!' I said, 'I have since heard of that.' The noble Lord asked, 'Therefore there was no check as regards the accounts?' My answer was, 'Certainly not, if the check was not exercised.' And then the noble Lord said, 'So that, in fact, while, on the one hand, the public were not getting the advantage of a check, on the other hand the poor soldiers got no advantage from the medicines, or medical stores?' To that I answered, 'Yes; but it was not the fault of the system; the system gave a check, but it was gross dereliction of duty on the part of an individual.'"

What were the circumstances? That unhappy apothecary died suddenly. His books were overhauled and were found in an unsatisfactory state; but how was the default detected if there were no checks and no forms? Why, it was detected by the forms, and by examining the books which were there. [Lord SEYMOUR: There was no entry.] There has been a great bankruptcy in this town lately—an eminent firm has acted in a most discreditable manner; and, therefore, I presume the noble Lord would say, "It appears that there are in the whole banking system of London no forms for the detection of abuse." [Lord SEYMOUR: No; in that one house.] In that house, then. But what is the case? I apprehend that Messrs. Paul, Strahan, and Bates signed receipts, that their customers wrote checks, that all the usual forms were gone through, and yet you may find, perhaps, that the accounts and books have been falsified. I say, therefore, that it is unjust to assert that there were no forms because an unhappy man, who appeared to be a defaulter, chose not to comply with the forms provided. There are some other matters in the Report equally minute; but, as they are personal to myself, it would not be becoming in me to detain the House by entering into them. But there are cases where statements are made which affect other persons, and there, I confess, I think that the House ought to pause before it accepts them. For instance, an accusation is made against Lord Hardinge for not providing an ambulance corps; and the noble Lord complains, and very justly, that, though referred to by name in the Report, he was not asked a single question on the subject when under examination before the Committee. I point out these circumstances merely to show that the noble Lord is right in stating that the inquiry is incomplete, that you cannot come to an accurate conclusion upon it; and in order to warn the public against giving implicit credence to all these details, many of which may appear in a very different aspect when evidence comes home from abroad.

I now come to a question which is a rather serious one. The right hon. Baronet the Member for Droitwich says, that you will test, by the references in the margin, the truth and accuracy of all the statements that are made. Well, Sir, there is one statement which has been made, and that is, that the Government prepared no reserve. Now, I am unable to test the accuracy of the statement by the notes in the margin, because those notes only refer to a reserve at Malta. The Report states that—

> "At the date of the expedition to the East no reserve was provided at home adequate to the undertaking. Mr. Sidney Herbert states, in his memorandum of the 27th of November, 'The army in the East has been created by discounting the future. Every regiment at home, or within reach, and not forming part of that army, has been robbed to complete it. The depôts of battalions under Lord Raglan have been similarly treated.'"

Now, any Gentleman who has gone carefully through these papers will have perceived that this statement is preceded by a statement that after a long peace we never have any other means of augmenting the army. Why, it is a singular fact that this system of robbing certain regiments, in order to increase the strength of those despatched to the seat of war—a system which I admit is objectionable, but to which we were obliged to resort from want of other means—has been resorted to by France, as a reference to the *Moniteur* of a few months back will show, although she possesses an army of nearly 400,000 men. This fact shows how great is the pressure of war even upon the best organised military system. We do not profess to be a military nation, and I do not think that the Government ought to be blamed for having recourse to a system which, however objectionable, France has been obliged to adopt. The Report goes on to state—

> "The men sent out to reinforce the army were recruits who had not yet become fit for foreign service, and the depôts at home were too weak to feed the companies abroad. The order to attack Sebastopol was sent to Lord Raglan on the 29th of June; the formation of a reserve at Malta was not determined upon until early in November."

And three sentences later it says—

> "Your Committee must express their regret that the formation of a large reserve at home, and also in the proximity of the seat of war, was not considered at a much earlier period; and that the Government, well knowing the limited numbers of the British army, the nature of the climate in the East, as well as the Power we were about to encounter, did not at the commencement of the war take means to augment the ranks of the army beyond the ordinary recruiting, and also that earlier steps were not taken to render the militia available both for the purpose of obtaining supplies of men, and also, in case of necessity, for the relief of regiments of the line stationed in garrisons in the Mediterranean—measures which they found themselves compelled to adopt at a later period."

Now, let us see upon what evidence those statements are founded. The Duke of Newcastle, in his examination by the right hon. Member for Droitwich, who, by the way, appears to labour under an hallucination that no attempt was ever made to establish a reserve, gives evidence upon that subject. The Duke of Newcastle is asked if there was no reserve:—

> "You also stated yesterday, that the recruits which had been sent out had been, in a large degree, raw recruits—very young men; I wish to understand more distinctly what was the nature of the arrangement made by the Government with regard to the recruiting of the army after the expedition to Sebastopol was ordered after the 29th of June; there was no reserve, was there?—Yes; there was a reserve at that time. I have already explained that; it has been insisted upon several times in this Committee that there was no reserve; whether it was an adequate reserve is a matter of opinion; but that there was a reserve is undoubtedly the fact; in the first instance, I said that from the first moment when the expedition sailed there was a reserve, what was called the 'reserved division,' which was subsequently Sir George Cathcart's division, amounting to between 6,000 and 7,000 men; and when they left the country there was a further reserve. I do not recollect the amount at that time, but it subsequently amounted to 10,000 men, the whole of which number was sent out to Lord Raglan after the battle of Inkerman; therefore up to that time there was a considerable reserve."

As far as I understand the drift of the argument of the right hon. Baronet, it is that Cathcart's reserve was no reserve at all, because it went to the Crimea, and that the other force of 10,000 men was no reserve, because it was sent to join Lord Raglan's army; but how does the case really stand? A reserve is a body of men kept at home to feed the army in emergency, and when first one body forming a reserve, and then a second body, is sent to join the army in case of emergency, it cannot surely be argued that there never was any reserve at all. If a spare mainsail, which happened to be on board a ship, were bent, upon the mainsail being lost, it would be just as reasonable to say that she had never had any spare mainsail at all. Well, Sir, I say that the 10,000 men were sent to Lord Raglan when he asked for that reserve. That gallant officer complained of the youth of the men, and that is a fair subject of complaint, but it is not fair to say that no reserve at all had been prepared. What does Lord Hardinge say? I will read part of Lord Hardinge's examination:—

> "When that force was sent to the East, you also organised reserves to maintain it in a state of efficiency up to that time?—Yes."
>
> "That was, during the last year, the state in which it was considered necessary to maintain our military force in the East?—Certainly. I can show that the first reserve under Sir George Cathcart, composed of seven battalions and 6,000 men, was ready in September, and they had arrived at Varna at that time, and in my opinion, instead of remaining as a reserve nearer home, they did right in immediately joining the army, and aiding Lord Raglan at the battle of the Alma with that additional force. Of course we all agree that it is much better, when you are going on an expedition of that kind, to have 6,000 more men than to leave them at Varna; because, though people do talk of the propriety of having a reserve, it is always found in practice to be very desirable to fight as many men as you can upon a given point. The Duke of Wellington, as is well known, in his first campaign, in the operations at Assaye, detached Colonel Stevenson, leaving himself with only 5,000 men, and Colonel Stevenson with 6,000—and the Duke fought the battle of Assaye with half his force, but he never repeated that experiment. In his subsequent career he always brought up to fight the largest force on the most important point; therefore, the Duke of Newcastle was right in bringing the reserve under Sir George Cathcart to bear upon the expedition in the Crimea."

I ask now, can any one, after reading these words, say that the Government sent out an army without any thought of a reserve; and, also, if it does not appear that the Committee have, in this respect, arrived at a conclusion not reconcilable with the evidence?

There is one other point with regard to which I do not think justice has been done to the late Administration. Any one on reading the remarks upon military organisation in the Report of the Committee would think that the late Government did nothing to remedy the defects which existed; but such is not, in reality, the fact. The Duke of Newcastle established a separate Land Transport Corps, to which, I think, much of the present efficiency of the army may be ascribed, and no mention whatever of that is made in the Report; no mention either is made in the Report of the establishment of a separate hospital staff, or of the efforts that were made to give greater vigour to the war, and therein I think we have been treated rather unjustly. The hon. and learned Gentleman the Attorney General has apparently forgotten that which I will recollect—namely, that he was Attorney General to the late as well as to the present Government. His innocent and candid mind has been impressed by this Report, and he, being versed in legal rather than in military matters, has fallen into the belief that all these changes date from the appointment of Lord Panmure as Minister for War. Now, Lord Panmure, in a spirit which did him credit, acknowledged, in a speech in the other House of Parliament, that these changes were instituted before he came into office. That noble Lord did not attempt to purloin from his predecessor, because that predecessor had been driven from his place by popular feeling, the merit of the changes which he had instituted—changes which, I believe, Lord Panmure has since most fairly carried out. I am also anxious to say that, although I am glad to have obtained the good opinion of the hon. and learned Member for Sheffield—for I am sincere in saying that his good opinion is worth having—I cannot accept the compliments of the hon. and learned Gentleman, and I am sure that I speak the feelings of my right hon. Friends near me, if they were intended to contrast my conduct with that of those Gentlemen who were then my colleagues, and for whom I entertain the greatest respect. Well, there are points in relation to which, if the Committee were placed in difficulty, we, likewise, are placed in difficulty. There are points in respect to which we could make a defence, and yet we find ourselves in a position which prevents us making that defence. The right hon. Member for Droitwich said that in the Committee he always avoided delicate ground, as he did not know where dangers might lie. I find a sentence quoted from a letter of the noble Lord the Member for London (Lord J. Russell) in which he says that some of the omissions of which he complained were rectified in the late meetings of the Cabinet. I recollect to what he alludes. I see a statement that the Ordnance Department was dilatory in sending out huts, clothing, and stores. There is a connexion between the sentence of the noble Lord's letter and the dilatoriness of the Ordnance to which I shall refer. The Ordnance Department was not dilatory, but there was a delay in the execution of its orders and the shipment. I could explain the reason, which would be satisfactory to every hon. Gentleman. There was shipping enough, but there are points of policy to be considered, and, I am bound to say, for the decision come to, though it might have had grievous effects, the Duke of Newcastle was not responsible. I could enter into this subject, but I will not do so. In this case, as in a thousand others, there is a defence to be made, which we cannot make, and which I will not attempt to make. I would sooner lie under any amount of obloquy, however injurious, trusting to time to justify us, as it eventually will. Every day you are getting reports from the Crimea throwing light on these proceedings. It is certainly unnecessary to have a Commission, as has been suggested, to ascertain how far the statements of the Committee are true. Officers coming home from the Crimea will throw light on these things, and the truth will come out. I formerly stated in this House that, as far as an examination into the conduct of the departments at home was concerned, you were welcome to make it, but what I objected to was an inquiry affecting officers in the Crimea. Still even our defence is not complete, unless you examine persons out there. I care not, however, for that. Time will right it. I do not deny that great errors have been committed. I do not stand up to assert that all was right, and that everything was done which ought to have been done; but what I wish to impress upon the House is this—that, as the matter stands, the Government at home have not, and cannot, in the nature of things, have the opportunity of making a full defence. Nevertheless, if the Committee, in the absence of that opportunity, expressed an opinion on our conduct, we think we have a right to ask the House whether or not it coincides in that opinion. The noble Lord the Member for Totness said last night that there was no evidence to condemn, and the hon. and learned Gentleman the Attorney General has this evening stated that you connot acquit, because there happens to be no evidence to condemn, but that you must have counter-evidence, and that, under the circumstances, he would vote with the hon. and gallant General the Member for Huntingdon (General Peel).

With respect to the conduct which has been impugned in reference to the expedition to Sebastopol, let me see what the accusations were. First, it was said that we had no information. I have shown, if that we had information, you are not aware of that. But I assert we had information, and the Committee are in error in thinking we were uninformed simply because they had no evidence on the subject. Then it was said that we had no reserve, but I have shown that we had a reserve. The hon. Member for Manchester (Mr. Bright) strongly condemned the invasion of the Crimea, because, he said, it was dictated by a leading article in *The Times*, and it was disgraceful to yield to such a suggestion. I should agree with the hon. Member if his statement were correct, but the pungent leading article to which the hon. Member referred was written some six weeks after our order had been given for the expedition to the Crimea — the latter being dated in June, and the other published in August. Now, whatever effect might be produced by the *civium ardor prava jubentium*, it is quite evident that what was published in August could have no influence on what was done in June. I should like to know from the right hon. Member for Droitwich (Sir J. Pakington) whether it is a canon of his, that an offensive movement is never to be made in a defensive war? I think he said that we sent troops to defend Constantinople and the Principalities, and that we departed from the principle of a defensive war when we went to the Crimea. Another canon of the right hon. Gentleman is, that we were not justified in undertaking a military operation until we had the most accurate information of all matters connected with it, and until we had a moral certainty of success. Now, if that principle is good in respect to one army, it must be good, also, in respect to the hostile army, so that, according to the right hon. Gentleman, both armies ought to have a moral certainty of success. I recommend that doctrine to the hon. Member for Manchester, for, if he wishes to see his ideas of universal peace carried into effect, he could do nothing more effectual for his purpose than persuading all military men all over the globe never to fight until they had a moral certainty of success. But was the invasion of the Crimea a departure from a defensive system? We wanted to defend Turkey — that is, we wanted, by the defence of Turkey, to oppose the ambition of Russia. But if it were not right in a defensive war to enter into an offensive operation, then the Duke of Wellington, desiring to defend Spain, ought, according to the right hon. Baronet, never to have marched into France, Though you have a defensive war, you may carry it on by offensive operations. I think it may be laid down as certain, that for a maritime country, like England, engaging in war with a military country like Russia, the proper and natural mode of carrying the war on, if only English objects are concerned, is by a system of naval blockade; by which, though you may gain no great fame, you risk no danger, and have a moral certainty of success after a time. By shutting up the enemy's ports and ruining his trade you compel him to come to terms. But, in the case now under consideration, you cannot have recourse to such a system. You are fighting together with Turkey, and Turkey could not undertake a defensive blockade of Russia. Turkey was exposed to invasion by Russia on two frontiers, and was liable to be forced to fight a pitched battle, which might have settled her fate for ever. It was necessary, then, in this instance, as in all instances where you are fighting with allies, to take your measures as rapidly as possible, to condense your war into as small a space as possible, and to strike an early and vital blow for the purpose of obtaining your object, before your alliances should become dissolved, or the country you desire to defend should be exhausted. Such considerations render the operation against Sebastopol a wise proceeding. Can you find any place in Russia where a successful blow would be so vital as there? And now we are asked to condemn the policy which led to the expedition to the Crimea. I say, as I said before, that all this condemnation applies to our allies as well as to ourselves. Did you always think that the expedition to Sebastopol was impolitic and unwise? I certainly think that the hon. Member for Manchester was quite mistaken in supposing that public opinion, at the time we ordered the movement to Sebastopol, was in favour of that expedition. Public opinion was then in favour of a march on Silistria and a campaign in the Principalities. We rejected those counsels; but, when the battle of Alma was fought, France, like ourselves afterwards, lost an illustrious marshal; and the Emperor of the French wrote a graceful letter condoling with Madame St. Arnaud. In that letter the Emperor praised Marshal St. Arnaud for having resisted "timid counsels." What, then, happened in England at a time when the expedition to the Crimea seemed likely to be only a march of triumph? Then it was thought to be impossible that these tricksters of Lord Aberdeen's Government could have had anything to do with an expedition which offered the prospect of so much triumph to our arms. The Emperor Napoleon caused it to be explained that such was not the meaning of his expression. And now, after doing this injustice to your public men, at a time when you thought the expedition would be a successful one, and endeavouring to deprive the Government of the *prestige* they would thereby gain, you shut your eyes to your former opinions, and try to blame us for doing that which, at the time I have just referred to, you fully approved.

I must say further, that if you adopt this Resolution and pass a vote of censure on the conduct of those who ordered the expedition, you are bound to reflect on the effect which it will have on the army. That army is engaged in an arduous undertaking, and they are spilling their hearts' blood in your service. Are they to be told that all their labours and dangers are in vain—that the undertaking in which they are engaged is wrong in principle, and could be productive of no good consequences! ["No, no!"] I say you must take your choice. You must either blame the conduct of those who originated the expedition, or approve it. If you blame the expedition recollect that your soldiers are engaged in it, and that when they hear of your censure they will not know the party feelings or intrigues which dictate it. The effect on them will not be encouraging when they know that Parliament in England is saying that all their labours are wrong and that they will bear no fruit to their country. I have ventured on this subject, because I do not wish to shrink from the responsibility of this expedition. It has been said by some, why have we had so many failures in connexion with the army when the management of our navy has been so successful? That is because the navy operations differ little in war from what they are in time of peace. The seaman sleeps in his hammock every night, has his commissariat with him, and, apart from the risks of war, finds no difference. In the army, on the contrary, the soldiers never sleep out of barracks in time of peace. A commissariat is then scarcely necessary, and when war comes has suddenly to be created. The combinations required for the land forces in such circumstances are enormous, while in the navy it is entirely different. In the navy the commander is exposed to no greater labours and fatigues in time of war than in peace, while the commander of the army is exposed to severe fatigue and greatly increased responsibility, the whole system of management being completely changed.

Now, Sir, there have been failures—failures not resulting from any deficiency in the service, for never did an army go forth in a finer spirit, and never were there higher expectations—expectations so high that it seemed impossible to fulfil them. But failures there were. Even in France, a military nation, there is a work published by a gentleman to show how peace has crippled their operations, and how their system is cumbered by forms. How much more is this likely to be the case with us than with a nation which is in a constant chronic state of war not many miles from their own shores? If we are told that all the evils which took place and all the sufferings endured by the army were the result of want of assiduity and zeal, I can point as an answer to the Report of the Committee—for the Report says one of the greatest evils to which the army was exposed was the want of a road, and that the want of the road was not known to the Duke of Newcastle till it was too late to take the necessary measures for remedying the evil. But still I admit that there were great failures, and I think those failures could have been to a great degree easily remedied if there had not been so much exaggeration in the reports that reached us that it was impossible to get at the truth. But every effort was made to restore strength and simplicity to the operations of the army in the field. It is said in the Report that the Government made no inquiry as to how the various departments were going on. I know not how the Committee arrived at this conclusion; for I am able to say that there were constant inquiries and discussions with reference to what was going on; and I trust that those who came after us have found that many of the difficulties which had existed have been cleared away. It is true there might have been men of greater capacity who would have better discharged the duties, but men of greater zeal and earnestness in the public service there could not possibly have been. The Motion before the House has for its object to ostracise all who were then in the Government—some of them seated by me, others on the benches beside and below me—all of them men of great capacity and experience; and I must say I should lament to see the choice of the Crown thus restricted, or men of their capacity deterred in future from serving the public. I have myself served the public in a humble capacity, and in so doing I only did what an English gentleman should ever be ready to do. If, while endeavouring to serve the public I failed, I failed, at any rate, with this consolation, that I did my utmost to succeed. If it should be the pleasure of this House to condemn us, I shall bow to that decision; but I feel that you must not measure our conduct by an abstract standard. You must take into consideration the difficulties of our position; you must take into your consideration the great labours we had to undergo, not only in sending forth an army, but in organising the system on which that army was to be supplied. These difficulties we had to encounter, and these difficulties, I trust, by the foresight of the Duke of Newcastle, and of Lord Panmure since, have been overcome. I trust to the justice of this House—I do not fear their verdict, I only trust to their justice—to look at the whole case, and to the evidences on which the Report of the Committee is founded; and I will not shrink from their decision. I will not attempt to give the go-by to their decision. I shall vote against the previous question, because I think that when a Minister's character is impugned he is entitled to ask a clear and distinct verdict from the House of Commons.

MR. ELLICE (Coventry) said, it had not been his intention to intrude upon the indulgence of the House, but in justice to the Sebastopol Committee he felt called upon to make some reply to the criticism of the right hon. Gentleman the Member for Droitwich, who, when he quoted certain opinions from the original draught of the Report laid before the Committee by his noble Friend (Lord Seymour), must have forgotten that he objected to those words which related to the expedition to the Crimea. His noble Friend and himself wished to avoid with the greatest care all reference to the expedition to the Crimea, and it was on that ground that they opposed the Resolution of the hon. and learned Member for Sheffield. With regard to the Motion before the House, so far as it referred to the expedition to the Crimea, he should certainly oppose it, as he was not prepared to condemn the policy of that expedition. It had been stated that censure was cast upon Lord Hardinge and Lord Raglan with respect to the formation of an ambulance corps. Now, the Duke of Newcastle stated that the reason why a more efficient ambulance corps was not provided was, that it was objected to by Lord Raglan and by Lord Hardinge on account of its weakening the effective force of the army; but the Committee cast no imputation upon either of those gallant officers in respect to this opinion, which was, probably, a perfectly correct one. An observation had been made by his right hon. Friend (Mr. Sidney Herbert), with regard to the opinion of the Committee on the subject of reinforcements. Now the best evidence the House could have of the insufficiency of the reinforcements was the letter of the noble Lord (Lord J. Russell), published in the appendix to the evidence, and the Duke of Newcastle himself stated that subsequent reinforcements to those sent out under General Cathcart were only thought of in the month of September. It was not, therefore, without some ground that the Committee expressed their regret on this score, and it was very hard upon those Gentlemen to whom, against their wishes and in opposition to their opinions, the House had intrusted the invidious duty of making this inquiry—it was very hard upon those Gentlemen if the House did not, in its turn, support them in their Report. The right hon. Gentleman (Mr. S. Herbert), and the right hon. Baronet (Sir J. Graham) seemed very much more sensitive on the subject of this Report than the noble Lord (Lord J. Russell). Now the Committee had done their best to avoid casting censure upon individuals, especially upon those who had not the opportunity of appearing before them to defend themselves, and where the Committee had expressed a strong opinion upon the mal-administration of the army, it had been founded upon no doubtful evidence, but upon the evidence of Ministers themselves. The House would remember it was with some difficulty that they prevailed upon the Government to separate the functions of the Colonial Office from those of the War Department. Well, in the Committee's Report they would find that the Ordnance Office was in a state of utter confusion, with no Master-General appointed and with the Members of the Board (upon none of whom, however, would he cast any imputation) differing among themselves with respect to the most important part of military administration. This was a Board intrusted with the expenditure of from 7,000,000*l.* to 8,000,000*l.* a-year, and upon which the army was dependent for supplies of every description. Then, again, was the Medical Department properly conducted? Had the transport of the sick and wounded been sufficiently provided for? Why, written representations had been made to the authorities that unless hospitals were established in anticipation of actual hostilities, lamentable results would inevitably ensue, and the chief medical officer represented to the Government in May that the troops would suffer greatly if proper transports were not fitted out to convey the troops from the scene of action to the hospitals. None of these things were attended to, however, and then, when the facts were proved before the Committee, the right hon. Gentlemen lately connected with the Government said, they deserved a full acquittal upon all the points on which the Committee were unanimous. He (Mr. Ellice) certainly thought the inquiry had been to some extent imperfect, but the Duke of Newcastle, when asked why it was that so much confusion existed, himself replied that everything was in confusion, and that he was thwarted by the Commissariat, by the Ordnance Board, and by every one of the Departments. This, then, was not hearsay evidence, and with such facts before them it was impossible for the Committee to adopt any other Report than that on which they had agreed. Why was it that, under these circumstances, he could not agree with the proposition which the hon. and learned Gentleman the Chairman of the Committee had now made to the House, as far as it involved any condemnation of the policy of the Government? One reason why he did not agree with the hon. and learned Gentleman (Mr. Roebuck) was, because he thought they ought rather to look upon the inquiry as yielding them experience and furnishing them with hopes of amendment for the future than as a subject of a Motion of this description. A great number of reforms had already been carried out, and the right hon. Gentleman the late Secretary at War had mentioned several instances in which those reforms had produced most beneficial results upon the state of our army in the Crimea. The Committee would be amply repaid and the public largely benefited if such were the consequences of the Report, and he thought the time of the House would be much better occupied in discussing the measures soon to be laid before them by the Government with regard to the military administration itself, and to the reorganisation of the Army Departments, than in finding fault with what was past and gone, as they were now doing.

SIR GEORGE GREY: Sir, in the course of this evening's debate so little has been urged in support of the Motion of the hon. and learned Gentleman (Mr. Roebuck), and such complete and convincing arguments have been adduced in opposition to that Motion, that much of what I might have addressed to the House in that sense has been anticipated, and is now unnecessary. I allude especially to the speeches of my noble Friend (Lord John Russell) and of my right hon. Friend the Member for South Wiltshire (Mr. S. Herbert), who, I think, have stated on incontrovertible grounds the reasons why the House should refuse its assent to the Motion of the hon. and learned Gentleman. I am, indeed, at a loss to understand the precise object of that Motion, or the precise issue raised upon which the House is now asked to pronounce its verdict. I should have supposed, from the terms of the Motion, that what the hon. and learned Gentleman wished was now to fix upon every individual Member of Lord Aberdeen's Government the responsibility of the errors which may have been committed in the conduct of the war, and that he wished to condemn every Member of that Government to perpetual exclusion from the service of the Crown, in consequence of their having, according to his view, betrayed the trust reposed in them, and failed to discharge their duties as Ministers. In his speech, however, the hon. and learned Member did not propose to the House this general and sweeping condemnation and exclusion from office, for he excepted from his Resolution those noble Lords and right hon. Gentlemen who have seceded from office, and who are not Members of the present Government. He wished apparently to fix upon my noble Friend at the head of the Government, and upon those of his colleagues who are now associated with him, and who were also Members of Lord Aberdeen's Government, an individual responsibility for all the acts of Lord Aberdeen's Government, and to place them in the same position as those noble Lords and right hon. Gentlemen who are now out of office. He stated that the right hon. Gentlemen behind him were already punished by loss of office; and the hon. Member for Manchester (Mr. Bright), speaking in the same tone, said they were now expiating their offences on that bench on which he occupies a seat. Again, the Motion has been treated as if it were a Vote of want of confidence in the present Administration; and the hon. and learned Member for Enniskillen (Mr. Whiteside) and the hon. Member for Manchester, judging from the personal animosity and acrimony with which they attacked and assailed my noble Friend at the head of the Government, seem to wish to make the Motion an opportunity of directing the vengeance of the House, if I may use so strong an expression, against my noble Friend and his colleagues for any duty which may have been neglected in the management of the war while Lord Aberdeen held office, and not on account of any neglect of duty on the part of the Administration over which my noble Friend now presides. Again, there are other Members who have severely impugned the policy of the expedition to the Crimea, and who seem disposed to render the Motion an occasion for asking the House to condemn the policy of that expedition, which the Committee themselves have declared they had no intention of doing. Now, Sir, amid these conflicting views of Members who profess to support the Motion of the hon. and learned Member, I am at a loss to know with what we really have to deal. But this I will say, that, assuming the Motion to be what it professes to be according to its terms—namely, a Motion condemnatory of the Government of Lord Aberdeen, on account of a neglect of duty which the hon. and learned Gentleman assumes to have been proved against them in the course of the inquiry before the Committee—I, as an humble Member of Lord Aberdeen's Government, accept to the fullest extent the responsibility of every act of neglect or omission of duty chargeable upon that Government. The doctrine of ministerial responsibility has been adverted to in the course of this debate, and I tell the hon. and learned Member for Enniskillen that I accept the statement of that doctrine of responsibility so eloquently expressed in the passage quoted by the hon. and learned Member from the writings of my right hon. Friend the Member for Edinburgh (Mr. Macaulay). Sir, I accept that doctrine in full, and this is not the first time that I have asserted it in my place in the House of Commons. And now, let me recall to the House the terms of the Motion of the hon. and learned Member for Sheffield, when he called upon the House to institute an inquiry into the state of the army before Sebastopol. The terms of that Motion were not the terms in which he now proposes a vote of censure upon the Members of Lord Aberdeen's Government; but what were those terms? The hon. and learned Gentleman moved—

> "That a Select Committee be appointed to inquire into the condition of our army before Sebastopol, and into the conduct of those departments of the Government whose duty it has been to minister to the wants of the army."

The hon. and learned Gentleman then pointed his shaft, not against the Government as a whole, but against individual Members of the Government, and I have the authority of the noble Lord who is at the head of the party I see opposite for that statement. That noble Lord pointed out in a speech in another place, in which he accounted for his failure in forming a Government, what the hon. and learned Gentleman declared to be the object of the Motion which he had submitted to the House? And what was the course taken by the Members of Lord Aberdeen's Government upon that occasion? It is no secret that the attack was then made upon individual Members of the Government, and, indeed, it was stated at the time that, if those Members were excluded from the Government, numerous votes would be given in favour of the Government as reconstructed, which would otherwise be given in favour of the Motion for inquiry proposed by the hon. and learned Gentleman. Had we listened to those suggestions, and had we adopted the view taken by the hon. and learned Gentleman himself, had we pretended to treat the Motion as being directed against one, two, or three departments of the Government, the result might have been very different from what it was. But I, in my place in this House, and other Members of the Government, declined to take that course, and we said we could neither acknowledge nor accept a divided responsibility. We assumed to ourselves the responsibility of all the acts and omissions of the Government of Lord Aberdeen. That is the view which we now profess, and, if it is just to censure the heads of those departments which it was specially the object of the Committee to inquire into, that censure must fall with equal justice upon the head of my noble Friend and every individual Member of the late Government. But what was the course that was taken in the early part of the year? The Motion of the hon. and learned Gentleman was agreed to, and agreed to avowedly as a Vote of want of confidence in Lord Aberdeen's Government, and in their administration of the war. Having been carried, Lord Aberdeen and every Member of his Government tendered their resignation to Her Majesty, and their resignations were accepted. The Government submitted to the censure which had been passed upon them as a whole, and as a whole they resigned. It is now sought to put under a ban of perpetual exclusion from office every Member of Lord Aberdeen's Government upon account of the finding of the Committee; but what was the course then taken by the Earl of Derby? The Earl of Derby was commissioned by Her Majesty to form a Government, and what was his opinion of the possible result of the inquiries of the Committee? The party of which he was the head voted for the appointment of the Committee, and we have a right to assume that if he had succeeded in forming a Government he would have placed no obstruction in the way of the nomination of that Committee. Now, Sir, the very first thing which Lord Derby did was to apply to three or four distinguished Members of Lord Aberdeen's Government—my noble Friend (Viscount Palmerston) included, and ask them to join with him in forming a Ministry. My hon. and learned Friend the Attorney General has already asked the right hon. Baronet opposite (Sir J. Pakington) a very pertinent question. He asked the right hon. Baronet whether, if my noble and right hon. Friends had consented to form part of a Government under Lord Derby, the right hon. Baronet, when he had before him the finding of the Committee, would with equal earnestness have called upon the House to censure every individual Member of Lord Aberdeen's Government, supposing that at the time he did so they were seated side by side with him in the Cabinet of Lord Derby? Hon. Members may say that the offer of Lord Derby was a contingent offer, but I contend that the offer made to my noble and right hon. Friends was an absolute and unconditional one. No one can assert that if the circumstances had been different the right hon. Baronet and his Friends would have acted the same stern and rigid part which they have acted to-night, and that they would have been as ready to become the executioners of their colleagues as they are now to censure the Government composed of their political opponents. I will not ask the House if that be a true version of the state of the matter, but I will let Lord Derby speak for himself? What does he say as to the motives which induced him to make his proposal to my noble and right hon. Friends? Does he say that he only intended to avail himself of their services for a short time, and that when the Committee made their Report then he would turn round with the right hon. Gentlemen opposite and declare that they were utterly unfit to remain in office? Lord Derby gave elsewhere an account of the part which he took when commissioned by Her Majesty to form an Administration. He said—

> "My Lords, I considered it then my duty deliberately to consider, before I assumed the responsibility which I understood it to be the wish of Her Majesty I should discharge, in what position I should be with regard to Parliamentary support. . . . It is true, my Lords, that I could have filled several of the offices of the Government in a manner that would have commanded the approbation alike of my own supporters and of the majority of my political opponents."—[3 *Hansard*, cxxxvi. 1337.]

He then goes on to say—

> "It is no secret that the moment the Administration of the noble Earl opposite was dissolved a cry was raised by a portion of the Press, exercising no insignificant influence over the public mind, that, whatever might be the future composition of the Ministry, one thing at least was clear—namely, that what was called a Derby Administration was out of the question, and that another thing was not less clear, that Viscount Palmerston was the man called upon by the voice of the country to take the management of affairs. My Lords, I speak not only of the language of the Press, but also of the language of Members of Parliament. . . . There was a universal impression in favour of the noble Viscount, who, somehow or other, appears to have enjoyed a peculiar exemption from the censure passed on the whole of his colleagues."—[3 *Hansard*, cxxxvi. 1339.]

It was only in the course of these debates that it was attempted to fix upon my noble Friend some special responsibility in consequence of having neglected to perform some duty which, as the head of the Home Department, he ought to have attended to in connection with the militia. It may now be said, that Lord Derby did not anticipate that blame would be laid at the door of the noble Lord, or he would not have asked him to become a Member of his Cabinet. I have no doubt, however, that my noble Friend is able to give a complete answer to the attacks made upon him in reference to the militia, because the fact was, that the law neither authorised him, nor the Government which preceded him, to embody the militia, except in the case of actual or apprehended invasion. I can show, I think, also, that no sooner was the Bill passed than many regiments of militia were immediately embodied. I will now show that no charge which may be brought against my noble Friend as a Member of Lord Aberdeen's Government, was present to the mind of Lord Derby, who says:—

> "One of the greatest defects that appears to have existed was a defect that arose in the office presided over by the noble Viscount himself—namely, in the organisation and embodiment of the militia. But, be that as it may, in the public mind the noble Viscount was excepted from the censure imposed on his colleagues in the Administration; and the hon. and learned Gentleman who brought forward the Motion by which the Government was overthrown, if I mistake not, declared his opinion that Viscount Palmerston was the only person who was fit to succeed to the Government of the country. But a higher authority still was one of the noble Viscount's colleagues, who considered the case of the late Government indefensible, and their conduct to be such as to compel him, prematurely, to secede from them. That noble Lord generously and disinterestedly sacrificed himself to a colleague, and declared that in his opinion the only person to conduct the military affairs of the country was his late colleague Viscount Palmerston. Now, I put it to your Lordships and the country whether, with that feeling prevailing in Parliament—with a general declaration in favour of a very distinguished Member of that House—a declaration made by a large portion of the Press, and by a considerable body of the Members of the House of Commons, and sustained by the high authority of the noble Lord the late President of the Council—I ask what prospect of immunity from attack, or what prospect of a sustained majority, a Government could expect which should be formed to the exclusion of that individual?"—[3 *Hansard*, cxxxvi. 1339–40.]

The noble Earl goes on to say, that these were not the only reasons which induced him to solicit the assistance of my noble Friend in forming a Government. He refers to the high abilities and the diplomatic experience of my noble Friend; and the right hon. Gentleman opposite (Mr. Disraeli) stated that, so sensible was he of the advantage of securing the assistance of my noble Friend, that he was ready to relinquish in his favour the leadership of the House of Commons. The noble Earl further said that, looking at the talents, the character, and the ability of the right hon. Member for the University of Oxford (Mr. Gladstone), and the right hon. Member for South Wiltshire (Mr. Sidney Herbert), who had discharged, with so much advantage to the country, the office of Secretary at War, he wished those right hon. Gentlemen to become Members of his Government; and that he considered that the co-operation of my noble Friend and of those right hon. Gentlemen, would be to his Government an element of strength which would ensure the confidence of the country, and the support of a majority in this House. The hon. and learned Member for Sheffield (Mr. Roebuck) has spoken in unusually complimentary terms of my noble Friend, and of the right hon. Gentlemen to whom I have referred. I may say that I am utterly indifferent as to the opinion which that hon. and learned Member may express with regard to me, but I allude now to the opinions he has expressed with reference to gentlemen whom he admits are men of mark and position in the country and in the Government. The hon. and learned Gentleman, however, proposes to exclude these men permanently from office. The right hon. Baronet the Member for Droitwich (Sir J. Pakington) concurs in the Motion of the hon. and learned Member for Sheffield, while the head of the party with which he is associated, and who, I presume, intended that the right hon. Gentleman should occupy a place in his Government, stated that he could not form a Government with any prospect of obtaining the confidence of the country unless he secured the co-operation of the gentlemen to whom I have referred. The right hon. Baronet, however, now is prepared to place those right hon. Gentlemen under the ban of a perpetual exclusion from office. To the justice of this course—to the policy or the consistency of this course, I certainly cannot assent. The hon. and learned Member for Sheffield spoke—I may almost say—in terms of fulsome adulation of my right hon. Friend behind me (Mr. Sidney Herbert). The hon. and learned Gentleman, when he proposed the appointment of the Committee, avowedly aimed his Motion at the Duke of Newcastle and two or three other Members of Lord Aberdeen's Government; but the hon. and learned Gentleman now says that no man performed his duty more faithfully and more diligently than the Duke of Newcastle; he says the same of the right hon. Member for South Wiltshire (Mr. Sidney Herbert), and he says the same of the late First Lord of the Admiralty (Sir J. Graham), only observing that that right hon. Baronet did not seem to have very much to do with ministering to the wants of the army, and that the only fault which can be imputed to him is that he might have been in error in building large ships instead of small ones. But the hon. and learned Gentleman says that those right hon. Gentlemen have been punished. How have they been punished? They retired voluntarily from office. They retired in common with every Member of Lord Aberdeen's Government because the House of Commons withheld its confidence from that Government, having passed a vote which was avowed to be a Vote of want of confidence in the noble Earl's Government. Those right hon. Gentlemen retired with all their colleagues, but they afterwards consented to become Members of the Government of the noble Lord (Viscount Palmerston), they did not feel that they were disqualified from rendering service to the Crown, and I do not think any Member of the House thought they were wrong in the course which they pursued. They afterwards retired from the Government because they thought that the Committee proposed by the hon. and learned Member for Sheffield ought not to be appointed; but the hon. and learned Gentleman talks of punishing them by depriving them of what are vulgarly termed the "sweets of office." Does he really think that these are the great inducements that lead men to serve the Crown? Is there no honourable ambition which induces men to seek such a position? I can assure hon. Gentlemen below the gangway who have never been in office, but who may not unnaturally expect some day to hold office, that the "sweets of office" never fail to be accompanied by grave anxieties and responsibilities, of which many persons know nothing, and from which, if they had experienced those responsibilities, they might well be anxious to shrink. Let the House, then, consider the circumstances under which the Government of my noble Friend was formed. When the heads of departments who were examined before the Committee had shown that their conduct was not such as to merit the severe censure which the hon. and learned Gentleman asks the House to inflict upon them, is he to turn round and say that a special responsibility rests upon all the Members of Lord Aberdeen's Government who were not heard before the Committee? The other Members of the Government, whose conduct was not the subject of inquiry, had no opportunity of explaining how they spent their time, which they have been accused of devoting to idle recreation, instead of attending to their duties. Is the House now prepared to pass a censure upon those Members of Lord Aberdeen's Government, who, though sharing the general responsibility of the Government, were not specially charged with the details of administration in these departments which were the subject of inquiry? Does the hon. and learned Gentleman mean to say that Lord Lansdowne and Lord Clarendon are specially responsible, and open to censure? Does he mean to say that the President of the India Board or the Colonial Secretary at that time are to be censured because they did not go to the Admiralty day by day to ascertain whether transports should be taken up, or because they did not go to the War Office to consult as to the standard for recruits? For the acts of the Government we are all individually responsible, but I deny the special responsibility which the hon. and learned Member attempts to fix upon individual Members of it, and I maintain that he is pressing the doctrine of Ministerial responsibility beyond its proper limits. The question really is, whether there is sufficient ground for censuring every individual Member of Lord Aberdeen's Government, and I admit that if there is any censure, it will apply to every Member of that Government, according to this Motion. I must say that I should have been quite prepared to meet the Motion with a direct negative, because I think it an unjust Motion. We have been told that we are taking shelter under "the previous question." I deny that we do so; and, if "the previous question" should be negatived, we shall be prepared to meet the Motion of the hon. and learned Gentleman with a direct negative. But I ask the House to consider the position of this question. The Members of the Committee themselves state that their inquiry is incomplete, and that they do not wish to ask the House to confirm their finding upon the various points on which they have expressed an opinion. The previous question is moved by a Member of the Committee. The right hon. Baronet opposite (Sir J. Pakington) is the only Member of the Committee who has expressed his concurrence in the Motion of the hon. and learned Member for Sheffield. When we are called upon to support the finding of the Committee, I am entitled to ask what the feelings and opinions of the Committee were, with the evidence fully in their minds; why their opinion evidently was that there was no occasion to ask the House of Commons to pass that vote of censure which the hon. and learned Gentleman now asks the House to sanction. I am not prepared to deny that errors, and grave errors, were committed. I admitted those errors and stated their causes when the Committee was moved for. I do not assert therefore that Lord Aberdeen's Government was faultless, or that any one of its Members is exempt from a share of blame; neither will I say that the Report of the Committee is to be thrown aside as useless. That document will serve as a guide for the future avoidance of errors similar to those which it points out. Almost all the Members of the Committee, except the hon. and learned Gentleman (Mr. Roebuck), desire no other use than this to be made of their Report, and do not ask the House to ratify their finding by such a Motion as the present. I think, then, that we may fairly and honourably support the "previous question," and that in doing so we are shrinking from no defence of the policy of the late Government or of its acts. As to this being a Vote of want of confidence in the present Government the Resolution can legitimately bear no such interpretation. If such a Vote is to be proposed, let the question be fairly and openly raised, and not be disguised by a Motion of this kind. A Motion involving confidence or no confidence in the Government was recently brought forward by the right hon. Member for Buckinghamshire (Mr. Disraeli) when the hon. and gallant Member for Huntingdon (General Peel) frankly avowed that he voted with the view of ejecting the present Ministry, and in this the hon. and gallant Gentleman showed himself a manly and open opponent of the present Government, but he scorns to strike an indirect blow at it through the sides of Lord Aberdeen's Administration. For the reasons I have stated I need only add that we are prepared to support the Amendment to the hon. and learned Gentleman's Motion, which has been proposed by the hon. and gallant Member for Huntingdon.

Lord JOHN MANNERS said, the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) had implored the House and entreated the Government not to take the course which the right hon. Gentleman who had just sat down had vindicated on the part of the Administration, and he was willing to attribute great praise to the right hon. Gentleman (Mr. S. Herbert) for the feeling and truthfulness and great energy with which that appeal was made. The right hon. Member explaining and expressing fully the position in which he and his friends now stood, entreated the Government not to prevent the House coming to a *boná fide* decision upon the Motion of the hon. and learned Gentleman the Member for Sheffield. He, therefore, now rose to appeal to the noble Lord at the head of the Government not to refuse that entreaty, and he did so on special grounds. It would be in the recollection of the House that when, on a recent occasion, just and natural observations were made upon the extraordinary silence of the Government throughout the discussion then pending, at the last moment, and after the debate had closed, the noble Lord the First Minister of the Crown rose and said he would explain the reasons why the Members of the Government had not spoken. "The reason is obvious," said the noble Lord, pointing to the bench on which those right hon. Gentlemen sat who had retired from the Administration; "we are anxious to know the views and to study the wishes of those right hon. Gentlemen who are so deeply implicated in this question." The natural and only legitimate conclusion from this was that, having discovered by the speech of the right hon. Member for Carlisle (Sir J. Graham) what were the wishes of those right hon. Gentlemen, the Government would not, on the present occasion, have taken shelter under the flimsy pretext of the "previous question," but would have accepted the Motion offered to their consideration by the hon. and learned Member for Sheffield, and showed that, instead of putting forward a mere pretext, the noble Lord was really anxious to consult the wishes of those right hon. Gentlemen. The right hon. Baronet (Sir G. Grey) taunted the Gentlemen who sat on the Opposition benches with the fact that, when the Earl of Derby was invited to form a Government, he thought it his duty to offer a place to the noble Lord opposite and to some of his colleagues, and the right hon. Gentleman further said that no new facts had since then been elicited which would justify Lord Derby and his adherents in now condemning conduct which was censured in the Committee's Report, but the right hon. Gentleman entirely ignored the mass of fresh evidence which that document disclosed. The right hon. Member for Coventry (Mr. Ellice) was prepared to vote with the noble Lord the Member for Totness (Lord Seymour). Now, that noble Lord, in his speech the other evening, laboured to prove that the evidence on which the Resolutions and the Report of the Committee were based was amply sufficient to support the Resolutions of the noble Lord, which stood recorded in the Committee's proceedings, but were quite inadequate to sustain the Motion of the hon. and learned Gentleman (Mr. Roebuck), asking the House to ratify the decision at which its Committee had arrived. If, however, there was a difference between the language adopted in the two cases, the language used in the Resolutions of the noble Lord was the stronger. In conclusion, whatever might be the decision of the majority of that House, let them, at all events, for the sake of their own character and consistency, accede to the appeal of the right hon. Member for South Wiltshire and his friends, and refuse to evade the Motion by adopting the "previous question."

VISCOUNT PALMERSTON: Sir, at this late hour, and after the minute and ample discussion which this Motion has undergone, I only feel it necessary to interpose for a very short time between the House and the division to which it is so manifestly anxious to proceed. But I must be allowed to say that I think this is one of the most extraordinary Motions that have ever been made within the walls of Parliament, whether we consider the time to which it relates or the manner in which persons are brought within the scope of its operation. Sir, I am far from wishing to disclaim my share in that responsibility which the hon. and learned Gentleman who has proposed and brought forward this Motion, and those who have taken part with him, desire to fix upon every Member of the Aberdeen Government for every act which that Government performed. I am ready to acknowledge that if any one Member of that Government were guilty of gross neglect of the duties of his office, this House is entitled to call the other Members of that Government to account for not having interposed by their advice, remonstrances, and objections to change that course and remedy those abuses which the House may be disposed to censure. But the manner in which, on the present occasion, the hon. and learned Gentleman wishes to fix that responsibility, and to accompany with it the censure of Parliament, is certainly somewhat singular and remarkable. When I say that all members of a Government are answerable collectively for the conduct of all, it is nevertheless palpable to common sense that there must be a certain distinction between the conduct of those who have different departments to administer, and the degree in which blame may attach to other Members of that same Cabinet, who, being occupied with the business of their own particular departments, cannot be supposed to exert an influence, and to exercise an interference, which would indeed be improper, in the conduct of other branches of the Administration. But, in the present case, the Committee, of which the hon. and learned Gentleman was Chairman, was appointed to inquire into the conduct of those departments which were charged with administering to the wants of the army. Now, what were these departments? They were the department of the Secretary of State for War, the department of the Secretary at War, co-operating with the Secretary of State for War and the department of the Admiralty. These were the three departments peculiarly engaged in the business of the war. No doubt, the head of the Government, whoever he may be, is entitled to exercise a degree of interference which his other Colleagues might not exercise over the departments not their own, but the departments to which I have alluded were those particular branches of the Administration into whose proceedings the Committee was directed to inquire. Now, what is the opinion, after the voluminous evidence taken by that Committee, which the Chairman has pronounced in this House upon the three Members of that Administration peculiarly charged with supplying the wants of the army? Why, he paid a handsome—but not more handsome than just—tribute to the manner in which they had performed those duties. He stated of the Duke of Newcastle that no man had more conscientiously performed his duties, that no man could be more regardful of the welfare of the service over which he presided, or more attentive to the interests of the country. I need scarcely say, Sir, that I fully concur in that opinion. The hon. and learned Gentleman passed the same eulogium upon my right hon. Friend the late Secretary at War (Mr. Sidney Herbert), and he gave the same praise to my right hon. Friend the late First Lord of the Admiralty (Sir J. Graham). He certainly reserves some blame to the latter for that which I think a great merit—namely, for having constructed ships of great size, power, and armament, enabling them to cope with any that the enemy might bring against them, and to the existence of which the safety of our commerce and the effective blockade of the Baltic last year were mainly owing. Having thus given praise to those whose duty it was especially to consider the wants of the army, my hon. and learned Friend directs his censure to other Members of Lord Aberdeen's Government to whom the duty was not assigned of administering to the wants of the army, but who must be called on to take their share in the responsibility of those encomiums which the hon. and learned Gentleman so frankly pronounced upon those three Members of the late Government to whom I have particularly alluded. Having accorded his praise most liberally to the three persons specially charged with the conduct of the war, the hon. and learned Gentleman wants the House to pass a Vote of censure on others against whom all that can be alleged is, that they were participators in, and had their proportionate share of, that good conduct which he is so willing to commend. But that is not the only remarkable circumstance in this case; for if censure is to be invoked in respect of the events of last autumn on those Members of Lord Aberdeen's Administration who are also Members of the present Government, I must say that there are some hon. Gentlemen opposite who are not likely to escape scot free from the reproaches of this House. It is all very well for the noble Lord, who has just spoken, to say that the case is immensely altered by the evidence taken before the Committee. But I deny that, for the general facts upon which the censure turns were notorious to the world at the time. That Committee obtained no new information as to facts, but only as to the manner in which those facts were proved, and the manner in which certain mistakes and mischances had happened. The facts relative to the supply of that army and its sufferings during the winter months were just as well known before the Committee was appointed, and it was, indeed, the knowledge of these facts which induced this House to agree to the Motion for the appointment of the Committee. What did Lord Derby, when he was called on to form a Government, do? He, knowing that, according to the argument of the hon. and learned Gentleman and other Members in the course of this debate, the Members of Lord Aberdeen's Government had deserved the censure of the country, proposed to myself, to my right hon. Friend the Member for the University of Oxford (Mr. Gladstone), and to my right hon. Friend the Member for South Wiltshire (Mr. Sidney Herbert), that we should become Members of his Administration — an offer that I thought at the time, and still think, equally honourable to the person who made it as it was to those to whom it was made. But now, if we are to put credit in the words of the hon. and learned Member for Enniskillen (Mr. Whiteside), the transaction is to be viewed in a very different light. For it appears the offer was accompanied with a mental reservation, so that we were to be trepanned into office, I will not say under false pretences, but under the cover of a reservation not communicated to us; and, if the Committee had made a Report that was unfavourable to the Members of the Aberdeen Administration, then, forsooth, we are told that our services would have been no longer wanted, and we should have been called upon to resign our offices. Sir, I do not believe one word of what has been stated by the hon. and learned Gentleman who said this, and I indignantly refuse to accept his version of this transaction. I have had the happiness of knowing Lord Derby for many years of our mutual lives, and I will not believe that he had any such reservation in the offer he made to me and to those right hon. Gentlemen. I have far too high an opinion of him to suppose for one instant that he could be capable of such conduct as the hon. and learned Member for Enniskillen has attributed to him. Well, Sir, the House is called upon to pass a censure upon the existing Government on account of transactions belonging to a Government that does not now exist. I must, in the first place, observe that there have been signal contradictions between the different persons who have spoken in favour of the Motion of the hon. and learned Gentleman (Mr. Roebuck). Some have contended that his Motion has nothing to do with the policy of the war and the expedition to the Crimea. Others have dwelt greatly upon the policy of the war and the policy of the expedition to the Crimea. I should like to know whether those who are going to vote for the hon. and learned Gentleman's Motion intend to make the policy of the war an element in their decision. I shall not go into the policy of the war, concerning which the whole nation has pretty well made up its mind. I will not go into the reasons which have led the Government and the country to take up arms against the ambitious projects of Russia. I will not go into the considerations which may have misled the Government of Russia to think that a moment had arrived favourable to the long-cherished designs of that Power. I will not allude to the opinion on the part of Russia that circumstances had arisen between the Governments of England and France that might prevent the cordial union of the two countries—an opinion which the noble conduct of the great man at the head of the French Empire has shown to be fallacious, futile, and utterly destitute of foundation. I will not allude here to those other circumstances in this country that may have greatly misled the Emperor of Russia; but I must be allowed to say that, among many circumstances that may have led that Government to strike a blow for the accomplishment of its ambitious designs, the language and conduct of the Peace party in this country must have tended greatly to increase that delusion, and that a great responsibility rests upon them for the miseries and calamities of war. But war having become necessary and just, there arose a question as to how that war should be carried on. There are those who maintain that we ought not to have gone to the Crimea. Where, I ask, then, would you have had the war carried on? Would you have been content with a prolonged blockade of the Russian harbours, which would have led to a protracted struggle? Would you have had us send our soldiers to wander through the vast steppes of the interior of Russia? No doubt our army would have gained battle after battle under any circumstances in which victory was possible, but those victories would have been barren of any ultimate or decisive success. The Crimea, without doubt, was the place where an effective blow could be struck. The Crimea was the centre and the soul of the Russian power and domination in the Black Sea, and it was that power and domination in the Black Sea which constituted the danger to Turkey, and it was to put an end to the danger to Turkey that this country determined to draw the sword. It was, therefore, at the Crimea that it was our obvious policy to attempt to strike a great and decisive blow. No doubt the difficulties which we had to encounter turned out to be greater than we anticipated at the time that expedition was determined upon. The gallantry of the allied armies has, however, reflected immortal honour upon them. Their sufferings during that lamentable winter were great, but their heroism was greater than their sufferings, and I trust it is reserved for them to obtain a final victory which will be as honourable to them as it will be advantageous to the nations to which they belong. I therefore say if that be part of the question—if the policy of going to attack Sebastopol be one of the elements on which the hon. and learned Gentleman wishes the decision of the House to rest, I am prepared to take my fullest share of responsibility as having been a party to that determination; and, whatever mischances have happened, whatever difficulties have interposed to prevent the success of that expedition, I am as firmly convinced to-day as when I gave that advice that we were right in going to the Crimea, and that no other course possessed equal advantages for the attainment of the object we had in view. But I am told that, having determined on war, we failed in making adequate preparations for its conduct. I deny at once that there is any foundation for that charge. The Duke of Newcastle did everything that man could do to send an army rapidly to the scene of action, and I venture to say there never left the shores of this country within the same period an army so well equipped, so perfectly organised in every respect, or an army at one moment of such numerical force as that which my noble Friend in so brief a period sent to the Bosphorus, and which afterwards went to the Crimea. Nor did my noble Friend neglect to provide reserves, for reserves were provided as far as the state of the army on a peace establishment enabled the Government to provide them. Then we are told there was great neglect about the militia, and for that I am individually and personally responsible. I have already on other occasions explained that the particular arrangement of the Act which was brought in by the right hon. Gentleman opposite, following the precedent of former Militia Acts, did not give the power of embodying regiments of militia under the particular circumstances in which we were placed. The condition of embodiment was actual invasion or danger thereof. When we were at war with our neighbour—a war which, I trust, for a long time will not occur again —we were in imminent danger of invasion; but it was impossible to say we were in danger of invasion from Russia, when we had blockaded the Baltic and were in possession of the Black Sea. It was, therefore, nesessary to obtain a new law for the embodiment of the militia, but we anticipated that law, and took advantage of the offers of many regiments to be embodied, although there was no power in the Crown, without that voluntary offer to embody them. Between April and September we embodied seventeen regiments of militia by their voluntary offer. We were restricted so far, that it was not thought advantageous to embody more regiments than could be put in barracks, as it would necessitate their being billeted. From October to December we embodied thirty-three regiments more, so that, by the end of December, we had fifty regiments actually embodied and under arms, giving an effective force of 38,000 men. Some people have argued one way, and some the exactly opposite way. Some have complained that we did not embody the whole militia as a reserve. Others tell us—among them, I believe, the hon. and gallant Member for Westminster (Sir De Lacy Evans)—that the militia is not a force applicable to the circumstances of the case. But the value of the militia was, that it gave us recruits for our army, and, though in the beginning of the year we could not embody any great number of regiments, yet all the regiments were assembled for training and exercise, all were brought under arms, and the number of men that enlisted into the army from regiments of militia up to November was 5,500, and since that period 12,700, making actually upwards of 18,000 men given to the regular army from the militia since the war began. I must here take the opportunity of saying, how greatly we are indebted to the spirit of the commanding officers of militia regiments for that large and valuable supply to the regular army, because if it had not been for their zeal and self-denial—for so I must call it—in promoting enlistment, we should not have had that great amount of recruits to the army—and then it is well to be borne in mind that the militia recruits were found more fitted for immediate service in the Crimea than young men drawn from the general population without any previous training. I therefore do not feel I am open to any blame for the manner in which I have made the militia available for the public service; but if the hon. and learned Gentleman intended specially to direct censure against those Members of the Government of Lord Aberdeen who were uninterested in departments directly ministering to the wants of the army, I think, before he called upon the House to launch its censure at their heads, he might, at least, have given them an opportunity of being heard before his Committee. But so little did he think their conduct part of the subject of inquiry for which the Committee was appointed, that it never once occurred to his mind to call for me, or any of my right hon. Friends who held other offices in that Administration before the Committee. We were never summoned to it. We never had a question asked, and if our conduct was to be impugned, justice surely required that we should be allowed to state anything we could urge in our defence. I must, therefore, again say, that I think this a very strange and singular Motion. I can quite understand a Member who thinks a Government is misconducting the affairs of the country and doing mischief which ought to be stopped —I can quite understand his calling upon Parliament to interpose by a vote of censure, and sweep away from their seats a Government under which the country was on the road to ruin. But that is not the case at present. The hon. and learned Gentleman does not impeach anything we are doing now as an existing Government. He goes seven or eight months back, and his impeachment is founded on events in November and December last, though his Motion is made in July. It is founded on the circumstances which have occurred under a Government which has ceased to exist; and no part of his Motion—I do not say his speech—has any reference whatever to the conduct of the Government which is now charged with the direction of public affairs. But it may be said that, although he does not mention it, still the present Government are guilty of the same *laches* which he imputes to the Government of Lord Aberdeen, of which, however, in his speech he acquits distinctly and honourably those on whom imputations might have rested if he had not pronounced so honourable and complete an acquittal. Now, how stands the case? The army, unfortunately, in November and December was in a condition which created most painful feelings in the breast of any man who read or knew that which was passing in the Crimea. Those misfortunes and sufferings were owing to circumstances beyond the control of man, and were liable to happen when complicated departments were brought into motion with regard to which they had no adequate and proper experience. What is the state of the army now? Is it now in a condition in which the interposition of Parliament is necessary to remedy evils afflicting the mind of the nation? Why, it is exactly and directly the contrary. The army now is in as fine a condition as any army which ever existed on the face of the earth. It is, both in health and discipline, as efficient a military force as ever embarked in war, and, as an army, is a pattern to be imitated, instead of being an example to be deplored. There is not the slightest ground, therefore, upon which the conduct of the Government can be impeached, either as to the efficiency of the military or naval service of the country. Then, what is the object of the Motion of the hon. and learned Gentleman? What he wants is to induce the House to interpose, and remove the present Government of the day. Has he laid any ground whatever for that object? Not the slightest ground in the world. All that he has been able to allege is, that in the months of November, December, and January, the army was suffering; but his Motion restricts the Committee from going beyond the 1st of January in the present year. And yet the hon. and learned Gentleman now proposes to the House to adopt a Vote of censure upon the Government of the present day, not for any misconduct with which he now can charge them, but because, forsooth, he considers he had convicted them of certain errors committed in the autumn of last year, but all of which errors have now ceased to exist. No doubt the merit of the cessation of those errors is due to the brave and gallant officers who command the army in the Crimea, and who have ministered to the wants of that army, and improved their arrangements with an ability that reflects upon them the highest credit. Surely, if blame be cast upon parties who do wrong, those same parties are entitled to be praised for what they do right. The hon. and learned Gentleman has rested his censure of Lord Aberdeen's Government upon reasons which are totally and entirely without foundation. He has said that the Government has wholly neglected its duty, and has asserted that from the month of August to the middle of October there was no meeting of the Cabinet; and that the Ministers were, during that time, all absent from their posts. Now, Sir, the fact is not so. We were at our posts. The Duke of Newcastle never left his post for a single hour. The Secretary at War was also constantly at his post in London; and my right hon. Friend the First Lord of the Admiralty was hardly ever absent from his duties; besides which the First Lord of the Treasury (Lord Aberdeen) was constantly in attendance, so that if a Cabinet Council had been wanted, would not that have been a number sufficient to make one? But then there was Lord Clarendon ever at hand, so that five of the most important Members of the Cabinet, with whom rested all the business connected with the war that could require consideration, were present on the spot, and might have, at any hour on any day, formed a Cabinet Council, if required. But were all the other Members of the Government entirely out of the way? No such thing. The hon. and learned Gentleman did me the honour to ask where I was. I can tell the hon. and learned Gentleman that I was always within three hours of London, and had daily communication with London, and at any moment when my advice or my presence might have been required, a very few hours would have been sufficient to bring me in consultation with my colleagues. I say, therefore, that it is an unworthy attempt to cast blame on those who had devoted themselves to the constant discharge of their duties, and who had never neglected those duties which their country required of them. It is, I repeat, an unworthy attempt to cast an undeserved censure on a Government which has ceased to exist, and by misrepresenting them and their movements to lead the people to believe that there did not for a long period exist, even in London, a sufficient number of Members of the Cabinet to take into consideration any subject that required deliberation and decision. And, moreover, be it remembered that the battle of Alma was fought towards the end of September, and that, in point of fact, the sufferings of the army did not commence till after the meeting of the Cabinet on the 9th of October, when the whole of the Members of the Government were present. Without delaying the House any longer from the decision to which I trust they are about to come, I must say that we assent to the previous question which has been moved by the hon. and gallant Gentleman opposite (General Peel), because we agree with those who think that the inquiries by the Committee were not, and could not, be complete with regard to all the points which required investigation. It was impossible that the Committee should be able to arrive at a satisfactory elucidation of the subject, or become acquainted with all the sufferings of the army, and the causes of those sufferings, without entering into details which they were themselves precluded from inquiring into. Therefore, upon this ground, if upon no other, I think the Motion of the hon. and learned Gentleman ought not to be put. But if the House shall determine that it is right that that question should be put, I shall deem it my duty to oppose it, and to offer a direct negative to the proposition. On that ground, if on no other, I think this is not an appropriate time for such Motions. I must own, I think Motions of this kind are not in unison with the feelings and temper of the country. We are engaged in a great and important war. I do not wish to exaggerate the magnitude of the war; but, at the same time, I think it is unwise to depreciate its importance. Certainly we are engaged in a war which requires the united feeling and determination of the country to carry it on, and the feelings and determination of the country are united. The minds of the people are fixed upon the war—they care not for party squabbles in this House—the country is indifferent as to what party is in power, provided that party carries on the war with vigour, provided it directs the energies of the nation in the course which the nation itself desires. I must say, in my humble opinion, I do not think the nation is well satisfied at seeing this House spending night after night in discussing for the third or fourth time a Motion of censure, for the avowed purpose of removing the Administration. I think the country is only desirous that the Government, whomever it may consist of, should apply the means placed at its disposal for the vigorous prosecution of the war in which we are engaged. It is a war from which there is no retreat but through victory. It is a war in which we shall never attain to victory except by the united efforts of all parties, both in this House and out of it. I should be quite ready to quit the position I occupy if other men more capable of uniting to themselves the confidence of the country and more able to wield its energies than those who now conduct its affairs could be found; but till that is shown—and I confess that conviction has not yet been forced upon my mind—we shall feel it our duty to perform the functions with which the commands of the Crown, the confidence of this House, and the voice of the country have invested us. We shall feel that to be our duty, in spite of all little interruptions which these Motions from time to time may interpose, to second what I believe to be the most deliberate, conscientious, and heartfelt determination that ever animated a great and powerful people, and to carry on with vigour, to forward with all possible energy, and to crown with eventful success a war in which by every motive of necessity and sense of justice we have been forced and compelled to engage.

MR. DISRAELI: Sir, I have less unwillingness to rise at this late hour, as I shall only trespass on the attention of the House for a few moments. I cannot, however, agree to give a vote upon a question which presents itself in so ambiguous and unsatisfactory a state as the present without attempting to explain the motives which induce me to take the course which I feel it is my duty to adopt. Sir, we have heard much in the course of this discussion of party Motions, of party feelings, and of party objects; but, if I were to choose a Motion which would be convenient to party objects—if I were to select a course for the Administration to follow which would tend to strengthen the Opposition—it would be the course about to be adopted by the Government to-night, and it would be the Motion they are about to support. Here we have, according to the description of the noble Lord, a Motion made in this House of censure upon the Government. How is that met by the Government? It is met by the Government by a form of the House which practically and literally means that the House declines to express either confidence or want of confidence in the Government. When a Motion of a want of confidence or of censure is brought forward against the Government, their defence is simply to ask the House only to decide, not to proceed with the controversy. Now, I think the Opposition might fairly be satisfied with such a result, and, when taunted with party objects and party motives, it appears to me, if we had only party objects in view we need not have prolonged this debate, but might have joined with the noble Lord at the head of the Government in supporting the hon. and gallant Member for Huntingdon (General Peel) who moves the "previous question," and have been satisfied, in the present temper of the country upon this question, that when a Vote of want of confidence or of censure, adopting the description of the noble Lord, is brought forward, he, confident in himself and his powers, should deem he is doing everything necessary to vindicate his policy when he entreats the House of Commons to express no opinion at all upon it. But it appears to me that we have something to consider beyond the convenience of a Ministry or of an Opposition. These are considerations which it appears to me have not occurred to the noble Lord. This Motion of censure, alluding to the description of the noble Lord, refers to many eminent statesmen who are no longer Members of the noble Lord's Administration. What has been the course which, greatly to their honour, those right hon. Gentlemen have taken? From a most natural and a most honourable impulse they have said, "It is intolerable that a Motion of this kind should be entertained by the House, and that the House should not give a clear verdict upon it; our feelings are to be considered, our right to justice is not—to use the language of the hon. and learned Attorney General—to be estopped, and we protest against the convenience of a Minister being the cause of branding us with the censure of the House, or at least of obliging us to remain subject to an imputation from which we cannot appeal." The feelings of those right hon. Gentlemen have some right to consideration, and there are surely other feelings which are also entitled to consideration. Let us remember what has been the cause of this Motion. A few months ago a Committee was appointed, by an immense majority of this House, to inquire into the condition of our army before Sebastopol. What was the cause of the appointment of that Committee? Was it the feeling of this House? No! It was the feeling of the country. We know that the battle of Inkerman has been termed the soldiers' battle; the Sebastopol Committee was the people's Committee. After a protracted investigation, conducted by some of the most distinguished men in this House, a Report has been presented, and a Resolution is now proposed by the Chairman of that Committee, asking the House to coincide with the opinion of the Committee in its chief finding. I do not now want to argue that this chief finding is just or unjust, politic, or impolitic, but I think the country has a right to call upon this House to express an opinion one way or the other upon that issue. The tone which the noble Lord at the head of the Government has adopted is most singular, most remarkable, and, in my opinion, most unauthorised by what has occurred. The noble Lord has taken the course of decrying the Committee, of denying the value of its researches, and the truth of its conclusions. He says—

> "It is perfectly untrue that most of the Members of the Government were always absent from London last autumn; but there was always an official Cabinet here; and if I was not here, I could always come at a moment's notice.

What is the result to be drawn from the noble Lord's observations, bearing in mind the following expressions in the Report framed by the noble Lord the Member for Totness (Lord Seymour)?

> "Your Committee notice with regret that the Cabinet did not meet in August or September, when these omissions might have been sooner remedied. Lord John Russell also observes, that 'the House of Commons would expect, after six or seven months' deliberation, a final arrangement of the War Department.' Your Committee can find no trace of these deliberations, and any evils that may have resulted from delay in such arrangements are, therefore, properly laid to the charge of the Cabinet."

If the noble Lord says these statements are not true, I ask, ought he to take refuge in the "previous question?" Ought not the noble Lord, for the sake of his own honour, as an act of duty towards this House and the country, to come forward and say, "The labours of your famous Sebastopol Committee are superficial; the Committee have conducted their investigations in a spirit not worthy of the occasion, they have misled, and they are misleading the people; but I will not submit to have the authority of the Government injured by their unfounded Report; I will vindicate my policy and the character of public men; I will prove, in the face of the House, that their assertions are without foundation, that their recommendations have no authority, and at this moment, when the country is engaged in a great struggle—when, therefore, confidence in the Government is an inestimable treasure, and you ought not, without overwhelming evidence, to have recourse to a vote of censure, I call upon you to declare that this Committee on the state of the army before Sebastopol has not done its duty, but has performed it in a crude and fraudulent spirit; it has misled the country and poisoned the public mind, and I call upon you to come forward and support the authority of the Queen's Government." The whole course of the noble Lord's observations renders it his duty to take such a proceeding. He says that this is a party Motion—a party Motion brought forward by whom? By a Gentleman whom, when I, six weeks ago, brought forward a Motion which the noble Lord said struck at the existence of his Government, voted in favour of the noble Lord. I think it is not respectful to the House to describe a Gentleman who was the Chairman of that Committee as a partisan, working for party purposes. I protest against the language of the noble Lord, and leave it to those who can vindicate themselves to make the comments on his remarks which they deserve. We have, in considering the course which we are to take, to be influenced by the demand of the right hon. Baronet the Member for Carlisle (Sir J. Graham) and his late colleagues, that the opinion of the House should be taken on the real question; still more ought we to have regard to the opinion out of doors, that the validity of the Report of the Committee should be tested by the opinion of this House. If I wished only for a party success, I should be content that the House should vote for the "previous question;" and I should say, "Here is a Government against whom a vote of censure is moved glad to shield themselves under a formal Motion, in order to evade the opinion of the House." As a mere partisan, that would be a sufficient triumph. But I did not, Sir, ever suppose that the Motion of the hon. and gallant Member for Huntingdon would ever seriously have to be put from the chair. I have frequently on several great questions found the "previous question" launched, but have seldom seen it arrive at the port to which it was directed, and I thought that the gravity and reality of the issue in the present case rendered it impossible that any one would seek shelter under such a formal Motion, but that all, whatever their convictions might be as to the real question, would desire that the opinion of the House should be taken on the real question. I thought that the noble Lord would be among the first to come forward and request the hon. and gallant General not to embarrass the House, or to place any obstacle in the way of an expression of its opinion, by moving the "previous question," which, after two nights' debate, would but leave the matter where it was before, and would not strengthen the Government even in the opinion of their most sanguine supporters, but would disappoint the country and waste the time of the House—that time which the noble Lord has just told us is so valuable. The noble Lord tells us this—he who has wasted a whole month of this Session with the Scotch Education Bill, which was sent up to another place, where the Members of his own Government proposed to withdraw it. If there had been a division on the Resolution of the hon. and learned Member for Sheffield, which, if it had been brought forward without the embarrassment of the "previous question," would have enabled me or any one else to move an Amendment more precisely expressive of our sentiments — had such a course been taken, I am told that we should have been ostracising the majority of the public men who sit on the benches opposite. Sir, I have heard for the first time that if we passed a vote of censure we should have ostracised public men, and prevented them from ever afterwards taking a part in public life. Why, Sir, there are very few of the eminent statesmen who sit opposite who have not been subjected to votes of censure and want of confidence. The noble Lord at the head of the Government and the noble Lord the Member for the City of London (Lord J. Russell) have been subjected to votes of censure and want of confidence which have been carried against them. I still find the noble Lord on that perpetual bench which he has so long adorned, and if the noble Lord the Member for London is not sitting by his side he has not been ostracised by a vote of this House, but by political influences which are certainly new in my experience. We have heard from the right hon. Baronet the Secretary of State for the Home Department, who has just addressed us, a learned discussion, in answer to my hon. and learned Friend (Mr. Whiteside) upon Ministerial responsibility. Every one who has spoken to-night has admitted the constitutional interpretation of that important doctrine, but the Secretary of State appeared to me to be remarkably inconsistent in his observations. He commenced by an unqualified adhesion to the dogma of complete and undivided responsibility among the body of Ministers, but he concluded his speech by a plaintive description of the hardships of a Minister who happened to be Secretary of State for the Home Department being expected to call at the Admiralty every day to know how they got on, or the President of the Board of Control having to wait at the Foreign Office to see whether a certain despatch has been written. Now, what does the right hon. Baronet mean, then, by Ministerial responsibility? because his last observations appear to me to be of a singularly suspicious character. He said it was the duty of Her Majesty's advisers to make no difference between the responsibility of the various Members of the Cabinet—they were all to stand or fall together. That, no doubt, is a fine doctrine to propound, but how do they put that doctrine into practice? Only a few days ago, according to their own account, the conduct of a very eminent Member of the Cabinet was challenged; did they stand or fall with him? On the contrary, did we not find that that constitutional responsibility was a fiction? The noble Lord (Viscount Palmerston) has referred to the conduct of Lord Derby when he recently attempted to form an Administration. I must entirely dissent from the judgment of the noble Lord if he assumes, which he did throughout the whole of his speech, that in appointing that Committee we expressed an opinion on the conduct of those who had managed our army or guided our Ministry. On the contrary, I most religiously guarded myself from saying anything further than that there ought to be an inquiry at that moment, as also did the noble Lord the Member for the City of London; and does the noble Lord at the head of the Government mean to say that, in the interval, while that inquiry was proceeding, Lord Derby was to assume that the investigation should be limited to a former Ministry? If that Committee had given a verdict which included a Government that might have been formed under the circumstances which the noble Lord has referred to, we should all have had to consider our position, and that Cabinet might perhaps have been destroyed by it as well as any other. The noble Lord says to-night that there has been a new version given of the conduct of Lord Derby—that he (Lord Palmerston — was to be trepanned into office—and he perfectly understood the character of Lord Derby when he defended him in that respect, and said that it was impossible such could be the case.

But I have seen eminent men trepanned into office, I have seen Ministers invited to join an administration who were distinctly and solemnly told the policy that was to be pursued, I have seen those men —from whom I differ, but who are men whom we all honour — become the colleagues of the noble Lord; I have seen them trepanned into office, and a few days afterwards, in consequence of the noble Lord's violating his pledge and breaking the engagements he made with them, I have seen them leave office. [Viscount PALMERSTON: I violated no pledge.] I form my opinion from the statements of the noble Lord; of course I used those words in a Parliamentary sense, though in the heat of debate; but I mean to say that the noble Lord did not observe his arrangements with the right hon. Baronet the Member for Carlisle (Sir J. Graham) and the right hon. Gentlemen the Members for the University of Oxford (Mr. Gladstone) and South Wiltshire (Mr. Sidney Herbert) respecting the appointment of this very Sebastopol Committee. I will withdraw the expression if the noble Lord will correct me. That was the impression under which I laboured, and I believe it is still very prevalent on both sides of the House. If it is erroneous the noble Lord will do well to correct it. Well, the noble Lord to-night has put in a fresh claim to the confidence of the country. He says he is carrying on the war with vigour; that all his measures are measures of energy; that the country is determined to triumph; that he is the only man to carry out the country's determination, and he asks us whether we will interfere with the wise, mature, and well-considered measures which he has launched to accomplish this object. I am very glad to hear the noble Lord's account of what he is doing and what he intends to do, and I certainly shall not presume to quote any opinion of my own on the subject; nor shall I quote any opinion from such a document as the Report of the Sebastopol Committee, but I would just call the attention of the House to a description of the noble Lord's course with regard to the conduct of the war which has to-night been given by one of the noble Lord's oldest, most uncompromising, and most devoted supporters, who is at the same time the highest military authority in this House. The hon. and gallant General the Member for Westminster (Sir De Lacy Evans) has told us to-night that he has still confidence in the spirit of the noble Lord, but he was sorry to say he did not see that the noble Lord had at all realised the expectations which he had formed of him, or which was entertained by the nation. He saw no reserve now any more than he did a year ago. Nor did he see any efficient recruiting system. "You promised us," said the hon. and gallant General, "a Turkish Contingent, and eight months have passed and you have got 800 men who are learning their exercise at Scutari." [Viscount PALMERSTON: 8,000.] Ah, that is the number you want, but the question is, how many have you got? I took down the hon. and gallant General's words, and I have them here. "You have got 800 cavalry at the Bosphorus, but not a man in the field." [Mr. VERNON SMITH: That refers to the cavalry only.] True. You are right; it does. I am much obliged to my right hon. critics for pointing out my mistake, more especially as it strengthens my case; for I find that the hon. and gallant General goes on to say, "There is equal delay in organising the Turkish Contingent." Then, again, the hon. and gallant General asked, "Where is the Foreign Legion? Six months have passed, and none of them are in the field." I must be excused, therefore, for saying that I think the detailed account of the hon. and gallant Member for Westminster is probably to be preferred to the more promising, but rather general statement of the noble Lord. When I compare the two statements I am better able to test the noble Lord's estimate of the labours of the Sebastopol Committee, and the importance which he attaches to the conclusions at which they have arrived. The noble Lord has vindicated his conduct with regard to the militia, but he has not denied the broad features of the case against him. War was declared in March, the militia was embodied under the new Act in May, but the noble Lord never acted under that until the autumn, and when he is called to account in this House he told us his reason for not acting was the expense it would have occasioned. When we find a Minister at such a crisis actuated by considerations of that sort, we are better able to understand how it was that the noble Lord the Member for the City of London was so ignorant of the character of the struggle in which we are engaged, as to declare he saw nothing in it to prevent us from considering and passing a new Reform Bill. There is, Sir, only one more point on which I will presume to touch. Frequent allusions have been made to the influence which anything that passes in this House may have upon our relations with France. Now, if every time that the people of this country complain of the mismanagement of their affairs—if upon every occasion when they appeal to their representatives for redress on account of that mismanagement, a Minister is to rise and tell them that they can have no redress, and that they must not even speak upon the subject, because it may involve us in our relations with our allies, rest assured that any Minister or any public man who pursues that course is doing more to endanger the alliance between England and France than by any free criticisms which may be expressed in this House, which, if true, will in the long run be listened to with respect, and which, if not founded in truth, will easily be confuted. Let the suspicion once be prevalent that the grievances of the people as to the administration of their affairs in regard to this war are never in their own House to be mentioned, on account of the alleged fear of endangering our alliance, and you are shaking that alliance to its centre, and changing the cordial and sympathetic sentiments which now prevail between the two countries into feelings of distrust, of jealousy, and suspicion. Sir, the division is now about to be called, and I blush to recollect the issue which is at stake. After two nights' discussion in this House, after the laborious efforts for months of the Committee upon a most important subject, with some of our most eminent statesmen appealing to this House for justice and frankness in our conduct, and with the whole country looking with interest to our decision to-night, we are coming to a vote which can confer honour and credit upon no body of men, and no individual Member of this Assembly.

Mr. ROEBUCK: Sir, I take shame to myself for once in my life. I have indulged in panegyric; but, like almost all other men who attempt a character to which they are not accustomed, I have failed in representing it, and have failed also most completely in making myself understood. Perhaps I may fail again in attempting to make an explanation, but, as I shall not attempt to eulogise, perhaps I may be successful. I did object to making the Duke of Newcastle a scapegoat. I gave that noble Duke credit for industry and good intentions, and I said that he had done his duty according to his ability. Did I go one whit beyond the truth in so saying? Then I am turned round upon because I am said to have eulogised the noble Duke and to have excluded him from the operation of the Resolution which I proposed. Sir, I did no such thing; but I wished to draw a distinction, and to point out that he had been zealous in the discharge of his duty, according to his ability, and that he had been singled out for a victim and made the scapegoat of Lord Aberdeen's Administration. It was not I who singled him out—I singled out no one; but because he was so singled out, because he was made a scapegoat, because he did carry upon his back the sins of the Ministry to which he belonged, and because I believed him to be illtreated by such conduct, I expressed myself as I did; and for that the noble Lord the Member for London (Lord J. Russell) says that I have brought forward my Motion to-night from malice. Now, Sir, if I had any malice against that noble Duke I should leave to him the task of taking care of his own character. The hon. and gallant Member (General Peel) has moved the "previous question," feeling it to be his duty to do so, but agreeing, as I believe, in the main with the Resolution which I have proposed. That hon. and gallant General thinks it impolitic for the House to come to a decision upon the subject, and he can ask the House to adopt that course without any slur upon his character; but the noble Lord at the head of the Government cannot do so. The noble Lord by accepting this subterfuge confesses his errors, but does not, as they say in legal phraseology, "avoid." The adopting such a course confesses that he fears the decision of the House upon the main question—that question being a charge which I bring against him and all his colleagues in the Government of Lord Aberdeen, of having by neglect caused the miseries and losses of the army before Sebastopol. I should have thought that the noble Lord (Viscount Palmerston) and more especially the noble Lord the Member for London, who has hitherto borne a reputation for courage, would have been ready, fairly and openly, to meet such a charge, and would not have availed themselves of the shabby pretence of the "previous question." The hon. and gallant General who moved the "previous question" has stated that he objects to retrospective punishment, but in point of fact all punishment must be retrospective. The hon. and gallant Gentleman confounds retrospective punishment with retrospective law, but, when a Minister allows a great army to dwindle away in consequence of his want of foresight, there needs no retrospective law to make it a crime in the eyes of the people of England, and that is the crime with which I now charge the noble Lord at the head of the Government, and that is the issue which he shirks. We are threatened by the hon. Member for Kidderminster (Mr. Lowe) that the result of agreeing to this Resolution will be to do mischief to our alliance with France, but when I proposed the appointment of the Committee I was threatened with the same thing; but the hon. Member for Kidderminster with his usual dogmatism says, that mischief would have followed the appointment of the Committee if it had not been for his prophecy; and I must say that I think it a somewhat extravagant pretension on the part of the hon. Member to assume to himself a monopoly of wisdom.

MR. LOWE: What I stated was, that one of two things would happen—either that the inquiry would extend to questions of State policy, and would thus endanger our alliance with France; or, if it did not, then injustice would be done to individuals.

MR. ROEBUCK: I am in the recollection of the House, and I distinctly assert that the hon. Gentleman said, that the warning which he had uttered when the Committee was appointed had prevented the mischief which would otherwise have arisen; and I consider that that statement displayed an extravagance of vanity on the part of that hon. Gentleman. Allow me, in making an end of what I have to say, to make an appeal to the House. I have acted in this matter as I thought it my duty to act. An inquiry had been instituted by this House into a matter which deeply affected the happiness and welfare of my countrymen. A Committee brought these matters to a conclusion. I came to this House to ask them if they coincided in that conclusion; and the right hon. Gentleman the Member for South Wiltshire (Mr. Sidney Herbert) says most candidly that I did no more than my duty. I now appeal to the House, and ask them to watch over the great interests of England. I ask them to watch over the army of England. In doing so, I have done my duty; it is for the House now to decide whether they will do theirs.

Previous Question put, "That that Question be now put."

The House *divided*:—Ayes 182; Noes 289: Majority 107.

List of the AYES.

Adderley, C. B.
Alexander, J.
Arbuthnott, hon. G.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, C.
Baillie, H. J.
Baird, J.
Ball, E.
Baldock, E. H.
Barrow, W. H.
Bateson, T.
Bective, Earl of
Bell, J.
Bellew, T. A.
Bentinck, Lord H.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bignold, Sir S.
Boldero, Col.
Booker, T. W.
Brady, J.
Bramley-Moore, J.
Bright, J.
Brown, H.
Buck, L. W.
Buck, G. S.
Burrell, Sir C. M.
Burroughes, H. N.
Burrowes, R.
Butt, G. M.
Cabbell, B. B.
Cairns, H. M'C.
Cardwell, rt. hon. E.
Carnac, Sir J. R.
Cayley, E. S.
Chambers, M.
Chandos, Marq. of
Child, S.
Cobden, R.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Conolly, T.
Corry, rt. hon. H. L.
Crook, J.
Davies, J. L.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Drax, J. S. W. S. E.
Duffy, C. G.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunne, Col.
Elmley, Visct.
Evelyn, W. J.
Farnham, E. B.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
Fitzgerald, W. R. S.
Follett, B. S.
Forester rt. hon. Col.
Franklyn, G. W.
Fuller, A. E.
Gaskell, J. M.
Gladstone, rt. hon. W.
Goderich, Visct.
Gooch, Sir E. S.
Gordon, hon. A.
Graham, rt. hon. Sir J.
Graham, Lord M. W.
Greenall, G.
Greene, J.
Grogan, E.
Guinness, R. S.
Gwyn, H.
Hadfield, G.
Halford, Sir H.
Hall, Gen.
Hamilton, Lord C.
Hamilton, G. A.
Hanbury, hon. C. S. B.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Herbert, Sir T.
Hildyard, R. C.
Hill, Lord A. E.
Jones, Adm.
Jones, D.
Kelly, Sir Fitzroy
Kendall, N.
Kennedy, T.
Knatchbull, W. F.
Knight, F. W.
Knox, Col.
Knox, hon. W. S.
Langton, W. G.
Layard, A. H.
Lennox, Lord H. G.
Leslie, C. P.
Lindsay, W. S.
Lockhart, W.
Lowther, hon. Col.
Macartney, G.
MacGregor, J.
Maguire, J. F.
Malins, R.
Manners, Lord J.
Maxwell, hon. J. P.
Meagher, T.
Meux, Sir H.
Miall, E.
Miles, W.
Michell, W.
Montgomery, H. L.
Mowatt, F.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Muntz, G. F.
Murrough, J. P.
Naas, Lord
Neeld, John
Neeld, Joseph

Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Otway, A. J.
Pakenham, T. H.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, Robert
Parker, R.
Peacock, G. M. W.
Percy, hon. J. W.
Ricardo, J. L.
Robertson, P. F.
Roebuck, J. A.
Rolt, P.
Rushout, G.
Scholefield, W.
Scobell, Capt.
Scott, hon. F.
Smijth, Sir W.
Smith, J. B.
Smith, W. M.
Smith, A.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Starkie, Le G. N.
Stracey, H. J.
Stuart, W.
Sturt, H. G.
Sullivan, M.
Swift, R.
Thesiger, Sir F.
Tomline, G.
Tudway, R. C.
Tyler, Sir G.
Tyrell, Sir J.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Vernon, L. V.
Vivian, J. E.
Vyse, Col.
Waddington, D.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Welby, Sir G. E.
Whiteside, J.
Whitmore, H.
Williams, W.
Wise, A.
Wyndham, Gen.
Wynn, Lieut.-Col.

TELLERS.

Jolliffe, Sir W.
Taylor, Col.

List of the NOES.

Acland, Sir T. D.
Acton, J.
Alcock, T.
Anderson, Sir J.
Annesley, Earl of
Antrobus, E.
Bagshaw, J.
Baines, rt. hon. M. T.
Ball, J.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Baring, hon. F.
Barnes, T.
Barrington, Visct.
Bass, M. T.
Beaumont, W. B.
Beckett, W.
Berkeley, Adm.
Berkeley, hon. H. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.
Bland, L. H.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bowyer, G.
Bramston, T. W.
Brand, hon. H.
Brocklehurst, J.
Brotherton, J.
Bruce, Lord E.
Buckley, Gen.
Burke, Sir T. J.
Butt, I.
Byng, hon. G. H. C.
Campbell, Sir A. I.
Castlerosse, Visct.
Caulfield, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Cecil, Lord R.
Chambers, T.
Chaplin, W. J.
Cheetham, J.
Chelsea, Visct.
Clay, Sir W.
Clinton, Lord R.
Cobbett, J. M.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coffin, W.
Cogan, W. H. F.
Coote, Sir C. H.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Dashwood, Sir G. H.
Deedes, W.
Denison, E.
Dering, Sir E.
De Vere, S. E.
Divett, E.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Dundas, G.
Dundas, F.
Dungarvan, Visct.
East, Sir J. B.
Ebrington, Visct.
Egerton, W. T.
Egerton, E. C.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Emyln, Visct.
Esmonde, J.
Ewart, W.
Ewart, J. C.
Fagan, W.
Fenwick, H.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Ferguson, J.
FitzGerald, Sir J.
FitzGerald, J. D.
FitzRoy, rt. hon. H.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. G. W.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Freshfield, J. W.
Gallwey, Sir W. P.
Gardner, R.
Gladstone, Capt.
Glyn, G. C.
Goodman, Sir G.
Gower, hon. F. L.
Grace, O. D. J.
Granby, Marq. of
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Gurney, J. H.
Hale, R. B.
Hall, Sir B.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hastie, A.
Hastie, Arch.
Headlam, T. E.
Heathcote, Sir G. J.
Heathcote, Sir W.
Heneage, G. H. W.
Herbert, H. A.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hogg, Sir J. W.
Holford, R. S.
Holland, E.
Horsfall, T. B.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hughes, W. B.
Hutt, W.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, J.
Johnstone, Sir J.
Keating, R.
Kerrison, Sir E. C.
Kershaw, J.
Kinnaird, hon. A. F.
Kirk, W.
Knightley, R.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Lee, W.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hn. Sir G. C.
Liddell, hon. H. G.
Lindsay, hon. C.
Littleton, hon. E. R.
Lockhart, A. E.
Lowe, R.
Luce, T.
Lushington, C. M.
Mackinnon, W. A.
M'Cann, J.
Mangles, R. D.
Manners, Lord G.
Marjoribanks, D. C.
Martin, J.
Massey, W. N.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Milligan, R.
Mills, T.
Milner, Sir W. M. E.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Moody, C. A.
Morgan, O.
Morris, D.
Mulgrave, Earl of
Newark, Visct.
Norreys, Sir D. J.
North, F.
Northcote, Sir S. H.
O'Brien, P.
O'Brien, Sir T.
O'Connell, D.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Ossulston, Lord
Paget, Lord A.
Palmer, Roundell
Palmerston, Visct.
Paxton, Sir J.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Peel, Gen.
Pellatt, A.
Pennant. hon. Col.
Perry, Sir T. E.
Phillips, J. H.
Phillimore, J. G.
Phillimore, R. J.
Pigott, F.
Pilkington, J.
Ponsonby, hn. A. G. J.
Price, Sir R.
Pritchard, J.
Ramsden, Sir J. W.
Reed, J. H.
Repton, G. W. J.
Ricardo, O.
Ricardo, S.
Rice, E. R.
Rich, H.
Richardson, J. J.
Robartes, T. J. A.
Rumbold, C. E.

Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, James
Sadleir, John
Sawle, C. B. G.
Scrope, G. P.
Scully, F.
Scully, V.
Seymour, Lord
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shee, W.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, M. T.
Smith, rt. hon. R. V.
Smyth, J. G.
Somerville, rt. hn. S. W.
Sotheron, T. S. H.
Stafford, Marq. of
Stanley, hon. W. O.
Steel, J.
Stephenson, R.
Stirling, W.
Strickland, Sir G.
Strutt, rt. hon. E.
Stewart, Sir M. R. S.
Sutton, J. H. M.
Tancred, H. W.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tollemache, J.
Townshend, Capt.
Traill, G.
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walsh, Sir J. B.
Walter, J.
Waterpark, Lord
Watkins, Col. L.
Wells, W.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M'G.
Williams, M.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyndham, W.
Wyvill, M.

TELLERS.

Hayter, W. G.
Berkeley, G. C.

The House adjourned at Three o'clock.

HOUSE OF LORDS,

Friday, July 20, 1855.

MINUTES.] PUBLIC BILLS.—1ª Metropolis Local Management.

2ª Merchant Shipping Act Amendment; Bills of Lading (No. 2); Turnpike Acts Continuance; West Indies Relief Loans Arrangement.

3ª Bills of Exchange and Promissory Notes; Lady Raglan's and Lord Raglan's Annuities.

GOVERNMENT MEASURES OF LAW REFORM.

LORD LYNDHURST begged to take this opportunity of asking his noble and learned Friend upon the woolsack for some explanation as to the delay which had occurred in regard to certain measures for the amendment of the law which he had introduced or promised to introduce. Last Session his noble and learned Friend had introduced a Bill for altering the law of divorce, and also for the purpose of transferring the jurisdiction from the Ecclesiastical Courts to the Court of Chancery. After that Bill had proceeded a certain length, part of the Bill was withdrawn by the voluntary act of his noble and learned Friend, and the other part, in consequence of some opposition to the Bill on the part of a right rev. Prelate. He stated as his reason that the Testamentary Bill had been thrown out in the other House; and his noble and learned Friend, in answer to the Chief Justice of the Queen's Bench, said that the Government would use their utmost endeavour to pass a Bill on that subject. It was a singular circumstance that that Bill went down last year from that House on the 7th of April, but not a single attempt was made by the law officers of the Crown to proceed with it. His noble and learned Friend also stated that the Government would be prepared to introduce in the present Session a large measure of reform, embracing the whole of the jurisdiction of the Ecclesiastical Courts. He did not find that either in that or the other House of Parliament any attempt had been made to redeem that pledge. His noble and learned Friend had not even introduced a Bill of divorce, or any Bill relating to matrimonial cases. The Testamentary Jurisdiction Bill had gone down at an early period of the previous Session to the House of Commons. It was, therefore, perfected; but, notwithstanding this circumstance, and that Parliament met in December, the law officers of the Crown did not think proper to bring it forward until the end of May, and this Bill had consequently again fallen through and been withdrawn. These circumstances required some explanation. His noble and learned Friend might mention the war as the cause of the abandonment of this Bill, but he did not see that either his noble and learned Friend or the law officers of the Crown in the other House of Parliament had troubled themselves much about the complications of the Eastern question. From circumstances that had come to his knowledge, he believed that this mode of proceeding might be explained by some want of understanding or co-operation between the Lord Chancellor and the law officers of the Crown. This opinion was supported by the fact that his noble and learned Friend had introduced a Bill for the registry of deeds, and for the purpose of shortening conveyances and simplifying titles. That Bill was fully considered and discussed in their Lordships' House, was referred to a Select Committee, and went down to the other House of Parliament with the approbation and sanction of his noble and learned Friend and of that House. But what happened in the other House? The Bill was immediately opposed by the law officers of the Crown. The Solicitor General said that what was wanted was a Bill, not for the registry of deeds, but of titles. The consequence was, that the Bill was referred to a Select Committee, and nothing more had been heard of it from that time to this. But that was not the only fact that showed the want of cordial co-operation between the Lord Chancellor and the law officers of the Crown in the other House. His noble and learned Friend had issued a Commission for the consolidation of the Statute law. His noble and learned Friend was the President of that Commission, he sanctioned all its proceedings, and the law officers of the Crown also attended its meetings. The Report of that Commission was laid on the table. On looking at that Report he found it signed by all the Commissioners except the law officers of the Crown. He therefore took it for granted that they differed from the Lord Chancellor upon that Report. He relied upon this for substantiating what he stated—that there was a want of co-operation and good understanding with respect to law reform between the Lord Chancellor and the law officers of the Crown. This had led to the greatest possible inconvenience, and it showed that without a good understanding between the legal authorities of the Government it was in vain to expect an amendment of the law. The result was that up to the present time, when they were going to adjourn for the holidays, not one single Government Bill for reforming the laws of England had been passed. This was a most unsatisfactory state of things and required explanation; and he had made these observations to enable his noble and learned Friend to make such explanations as he might think proper to offer to their Lordships.

THE LORD CHANCELLOR said, that the first complaint of his noble and learned Friend referred to the Testamentary Jurisdiction Bill, and he truly stated that last Session he (the Lord Chancellor) had introduced that Bill. It was much considered by a Select Committee, and the Bill went down to the Commons, where certainly it did not receive approbation, and did not become law. The course that he thought it best to take in the present Session was, that the Bill should originate in the House of Commons, and, a great many objections in detail having been made to the Bill of last year, he consulted with the Solicitor General, who was to take charge of it, and adopted some Amendments likely to smooth the passage of the Bill in the other House of Parliament. He was not prepared to state the day on which that Bill was introduced, but he was certain his noble and learned Friend was mistaken in supposing that it was not brought in until the latter part of May. He believed it was brought in in March, but to this he could not pledge himself—at all events, it was prepared quite early in the Session, and it was introduced as soon as the state of public business made it possible to proceed with it; and although he should not fall back upon the war as a justification for doing nothing, he thought that the state of business arising out of the discussions about the war, which had taken up four-fifths of the Session, would explain why so dull a subject had been so little able to obtain a hearing. His noble and learned Friend ought to be the last person to express great surprise, and to make it matter of reproach that this Bill had not received the sanction of the Legislature, because the same thing had happened to him also when his noble and learned Friend himself adorned the woolsack. In 1843 a similar measure was introduced into the House of Commons and failed. In 1844 it was introduced into this House; again it failed; and the succeeding Chancellor again introduced it in the following Session. He hoped that the same course would be again adopted, and that the measure would be introduced next Session, and then the matter would be placed in the same position that it occupied during the Chancellorship of his noble and learned Friend. It was said that he had promised a comprehensive reform of the Ecclesiastical Courts. Now, the fact was this: He had been taunted with doing only half his duty in introducing a measure for the reform of the testamentary jurisdiction; he had been told that he ought to deal with the whole subject—namely, testamentary jurisdiction, matrimonial jurisdiction, and Church discipline jurisdiction; and he accordingly undertook to consider measures which would embrace all these matters. The Matrimonial Bill had been prepared, but the subject was so connected with the Testamentary Bill that it was impossible for him to introduce it until the Testamentary Jurisdiction Bill had proceeded so far as to render it certain how the court would be constituted which might possibly have to decide upon both matrimonial and testamentary clauses. A Bill had been framed with great care upon the subject of Church discipline, and had been submitted to the right rev. Bishops; but there were great differences of opinion with respect to it, and the subject was attended with so many difficulties, that he had not been able to mature a measure which he could hope would secure the approbation of the right rev. Prelates, or, if they disapproved of it, of their Lordships, and the measure had not, therefore, been presented to the House. He had been assured by the Solicitor General that the Testamentary Bill was received in the other House with every prospect of success; but its attention had been so absorbed by subjects of overwhelming interest that it was found impracticable to pass it. With regard to the suggestion that there was not a cordial co-operation between the law officers of the Crown and himself, and the example adduced by his noble and learned Friend of the Registration Bill, which the Solicitor General did not support in the other House, he must say that his noble and learned Friend was labouring under a mistake. The Solicitor General thought the Bill did not go far enough, and it was referred to a Select Committee, of which Mr. Walpole and other Gentlemen besides the law officers were Members, which recommended the appointment of a Royal Commission to inquire into the whole subject. He felt bound to issue such a Commission, and the Solicitor General had assured him that the labours of the Commission were so far advanced that in the course of the ensuing recess they would not only produce a Report recommending a better system of registration, but would also frame a measure which might be introduced next Session. His noble and learned Friend further complained of the slugglishness of the Government in not having introduced any measures of law reform during the present Session. He denied that accusation. A Chancellor or a Minister was not doing good by simply introducing measure after measure, which he called measures of reform; but if he found that anything was going wrong it was his duty to provide a remedy. The statement that no measure of reform had become law during this Session was certainly near the truth. [Lord LYNDHURST: It is the exact truth.] But early in the Session he had introduced a measure giving extended summary jurisdiction in cases of petty offences. That Bill had passed this House, and had been referred to a Select Committee of the House of Commons; and his right hon. Friend the Home Secretary had assured him, on Saturday last, that he had not the least doubt of its becoming law. It must, however, be remembered that at the present moment, in consequence of the provisions of one of their Lordships' Standing Orders, the House of Commons were more anxious to forward the Bills which originated with themselves than to proceed with those which had been sent down from this House. Another measure which would be of essential benefit to the mass of the community, although it might not excite a great deal of popular approbation, had been sent down to the other House. It was the Bill for getting rid of the necessity for private Acts of Parliament in dealing with settled estates; and the Solicitor General, who had taken charge of it, had assured him that he did not doubt that it would eventually be passed. It had been referred to a Select Committee, because there was a notion in the other House that it would have the effect of permitting the enclosure of Hampstead Heath. It had not the slightest reference to that subject; but the insertion of a clause had been proposed, which would set at rest all doubts of that kind; and the Solicitor General had informed him that he did not doubt that the measure would become law during the Session. They had been told that the Charity Commission had done nothing since its appointment. He protested against the truth of that assertion, for the Commissioners had done a great deal of good in an unobtrusive manner, and he was satisfied that they would do more good if their powers were further extended. He had, consequently, introduced a measure extending their powers. It had been sent down to the other House, and he should be much disappointed if it did not become law this Session. He had also introduced a Bill for reforming the University of Cambridge. He therefore felt not guilty of the charge made by his noble and learned Friend, having introduced many important measures which promised to become law before the end of the Session; and he thought his noble and learned Friend would have done better to wait until the Session drew nearer to a close before making his complaint; but he supposed his noble and learned Friend was about to quit London, and that it was more convenient for him to make his complaint now than to wait for the three or four weeks which remained to the end of the Session. He much regretted that the Attorney and Solicitor Generals had not thought fit to sign the Report of the Statute Law Commission; but he had no authority to call upon them to sign it if they did not think proper to do so. He should be glad to be the means of introducing next Session measures which had failed in the present; but he thought that his noble and learned Friend's attributing blame to him because the House of Commons did not pass the Testamentary Jurisdiction Bill was really attributing blame to him to which he was not obnoxious. In the course of the present Session he had received two Reports which he had anxiously considered. One of these Reports had reference to the County Courts, and would necessarily give rise to legislation; and, indeed, a Bill had been partly prepared, but he could not with any propriety have introduced it during the present Session, for it was impossible that it could have passed into law. The other Report was as to the state of the Encumbered Estates Court, Ireland. He was in hopes that he might have introduced a Bill on this subject this Session; but the changes recommended by the Report were so important, and, on the whole, so useful, that they would require considerable consideration. He might have obtained some credit for introducing this Bill, but he felt that it would have been obtaining credit under false pretences, for the Bill could not have passed this Session. He had also, at the suggestion of his noble and learned Friend (Lord Brougham), introduced a Bill, which had passed their Lordships' House, for additional sessions and assizes; the Bill, however, was objected to by the other House, and required more consideration than could be given to it this Session. He had, however, been in communication with the Secretary of State for the Home Department, and was assured by him that, should this Bill not pass into law this Session, the Royal prerogative would be brought to bear on the subject, and that the inconvenience which it was intended to remove should be provided for by the exercise of the Royal prerogative in the issue of several additional Commissions.

Lord LYNDHURST said, that his noble and learned Friend had replied to him by a *tu quoque;* but this did not apply to his case, for when he held the office now held by his noble and learned Friend he did his utmost to pass the Testamentary Jurisdiction Bill. His complaint was not that they had failed in passing Bills, but that they had let the last two Sessions pass without making any attempt to pass any Bills. His statement was, that not a single Bill for the improvement of the law which had been proposed by Her Majesty's Government had received the Royal assent. His noble and learned Friend had met this statement, not by contradicting it, for that was impossible, but by stating that a considerable number of Bills had passed their Lordships, and had been sent to the other House; and, though they had not passed a single Bill during the six months, yet his noble and learned Friend flattered himself that during the four or five remaining weeks of the Session they would pass these Bills. His noble and learned Friend was much more sanguine on this point than he was; for he took what had been done as a good picture of what was likely to take place, and had no hope that the Bills would be passed this Session.

Lord BROUGHAM trusted that his noble and learned Friend (Lord Lyndhurst) would, early next Session, apply himself to one of the subjects to which he had directed his observations—namely, to that of the Ecclesiastical Courts' jurisdiction, particularly with regard to the matter of divorce; for the state of the law with regard to this subject was in a most shameful and disgraceful state. His noble and learned Friend, among the many great and invaluable services which he had rendered to his country, could not render it a greater service than by taking up, with all the weight which was justly due to his authority in that House, the country, and the profession, the subject which had been referred to.

Lord LYNDHURST said, that he could not understand why there should be a difference between the law of divorce in the northern and southern parts of the island. He believed that in Scotland the law of divorce worked exceedingly well, and he saw no reason why it should not be extended to England.

Lord BROUGHAM was convinced that if his noble and learned Friend would peruse the evidence and the Report of the Committee over which he (Lord Brougham) presided a few years ago, he would find abundant reasons for holding more firmly the opinion which he had now expressed.

THE SLAVE TRADE.

Lord BROUGHAM *presented*, pursuant to notice, a Petition from the British and Foreign Anti-Slavery Society, complaining that the office of High Commissioner of the Ionian Islands is held by a slaveholder, and praying for measures to prevent the continuance of certain evil practices complained of in the Petition. His Lordship said, it was mainly owing to the exertions of this society during the last forty years that they were indebted for measures for completing the abolition of slavery, and for the ultimate measure for the emancipation of the slave. The petition stated that those in high employment, in high offices in this country, having foreign possessions, were owners of slave property in the West Indies. In the Dutch colony of Surinam, and in British Guiana, a proposition had been made to liberate all the slaves born of slave mothers after a certain date, but this proposition had been opposed by the planters. And here he must say, that the despatch penned on this subject by the noble Earl (the Earl of Malmesbury) while at the Foreign Office, had elicited his warmest admiration, and for its wisdom as well as its humanity did its writer the highest honour. Individuals, no doubt of great respectability, had succeeded by inheritance to estates in our Colonies, by means of which they were involuntarily made the owners of slaves; but it was very desirable that such persons should be made fully aware of the great delicacy of the predicament in which they, perhaps unconsciously, stood. They were legally entitled to hold slave property, but they must take care how they purchased slaves—an act which had been rendered felony. The existing laws relating to slavery enabled persons inheriting estates in foreign plantations worked by slaves to get rid of their slave property by sale; but the power of purchase was certainly not conferred upon them. These proprietors should, therefore, be warned against incautiously exceeding the exceptional provisions made in their favour by the Act of 1843, and by previous Acts. One of the warmest and most eminent advocates of the abolition of slavery used to complain bitterly that, being the proprietor of a life interest in a West India estate, he could not get rid either of the estate itself, or (while the slave trade was permitted) of the necessity for actually buying slaves for its cultivation and management. It must, however, be highly satisfactory to those who took an interest in the cause of the negro to witness the progress which it was making in other countries as well as in our own Colonies; and he trusted that the noble Lord opposite (the Earl of Clarendon) would be able to hold out some hopes that our attempts to induce Spain to restrain the most execrable crime of the slave trade, and to keep down the importation of slaves into Cuba to the lowest possible dimensions, would be more successful hereafter than they had heretofore proved. Within the last year of which we possessed accounts, the number of slaves landed in Cuba was no less than from 14,000 to 15,000. How different, happily, had been the conduct of the Government of Brazil in relation to this important matter! Within the last two years the slave trade in Brazil had been entirely extinct. Four years before this the number of slaves imported into that country amounted to 49,000 or 50,000; in the following year it stood at 23,000*l.*; in the third year it had dwindled down to 3,000 some odd hundreds; and in the next the traffic had altogether ceased. The consequences of this policy had been most beneficial to the planters of Brazil. The 2,000,000*l.* a year that were formerly spent in the purchase of slaves had, since the entire abolition of the traffic, been applied to innocent and also lucrative employment; and the accounts from that country indicated that Brazil had, within the last three or four years, made more progress in agricultural and general improvement than had been made for a quarter of a century preceding. These results reflected the greatest credit on the firmness and the wisdom of the very popularly-elected Government of the Brazilian empire. He was glad to say, too, that the tone of feeling on this subject in the Chambers at the present time was very different from that by which they were animated in 1842, when they declared their opinion that the abolition of the slave trade was impossible by human means. The abolition of the Brazilian Government, too, had not been confined to the abolition of the slave traffic; and the manner in which the coloured population was treated in Brazil contrasted most favourably with the infamous treatment they received in the United States. In Brazil a free negro, if he were a native of the country, possessed all the privileges of a citizen, and was eligible for the highest offices, civil, military, or naval; and he was informed that the most skilful physician in Rio, the Emperor's own physician, was a coloured man. He did not wish to speak harshly of the United States in this respect, because he was inclined to hope, from what he had lately heard, that a better state of things was about to arise there. Nothing would rejoice him more than to see that law of Carolina abolished by which every free negro landing in the State was liable to be punished with imprisonment the first time, to be whipped the second time, and the third time to be sold as a slave. The Federal Government had no power to repeal this law; all that it could do was to use its influence to persuade the State Legislature to repeal it. He hoped, however, that his noble Friend opposite would be able to say that his last communications with the Federal Government afforded some prospect of this law being abolished, and that he would be able, too, to give some indication of a speedy decrease in the Spanish slave trade.

THE EARL OF CLARENDON said, he had no doubt that the warning addressed by his noble and learned Friend to those who were so unfortunate as to possess estates in British Guiana would be carefully attended to. With regard to Spain, he feared that it was not in his power to say to the noble and learned Lord anything of a very satisfactory character, though he was happy to say that he could afford him some little comfort on the subject. It was true that in the year 1853 a large number of slaves had been imported to Cuba, during the governorship of the late Captain General; but in the year 1854—the returns for which year had not as yet been laid upon the table — there were symptoms of a decline in the traffic. The number of slaves imported during that year was stated to be 7,000, and allowing one-third for unreported landings, there were probably about 10,000 imported—a large number, certainly—but a diminution of the importations during the previous year. Notwithstanding the great temptations which the lucrative nature of the slave trade enabled those who pursued it to hold out to the Spanish authorities in Cuba, and of which those authorities were generally so unscrupulous as to avail themselves, some Captains General had displayed the most praiseworthy determination to discountenance this most horrible traffic. The Marquess de Ribeira, who was Captain General in 1832, published some severe ordinances against it, which were rigidly enforced, and several were punished under them. The late Captain General, Concha, had also set his face very decidedly against the slave trade, but —whether it was carried on with greater secrecy than before—his efforts did not appear to be attended with any very great success. The conduct of the Brazilian Chambers in the matter of the slave trade, he concurred with his noble and learned Friend in regarding as most creditable. The slave trade might be said now to have entirely disappeared from the Brazils. And what was very remarkable was the briefness of the period within which this happy result had been attained. In 1848 there were 60,000 slaves there; in 1850, the number imported was 23,000; in 1852, it had fallen to 1,500; and during the last two years not one slave had been imported. It was satisfactory to think that the embarkation of slaves on the coast of Africa was something less. With regard to the Carolina law, he need not say that it was a delicate and difficult matter to interfere with any foreign country on such a question; but he hoped that the progress of enlightened opinion in the country itself would lead to the establishment of a happier state of things than at present existed there.

Petition ordered to lie on the table.

BURIALS BILL—CONSECRATION OF CEMETERIES.

Amendments *reported* (according to Order).

THE EARL OF MALMESBURY called attention to the inconvenience which was caused in some parishes by the Act providing that two chapels should be built in every cemetery. The noble Earl mentioned one very large and populous parish, where it was thought desirable to provide three cemeteries, but the parish could not possibly afford to erect six chapels. It was proposed that two chapels should be built in one of the cemeteries, and that the three grounds should be consecrated; but this the Bishop of the diocese, no doubt from conscientious motives, refused to do. There were some differences of opinion among the right rev. Prelates themselves upon this question, and he believed it would be an advantage to the Church to make it obligatory upon them to consecrate. He therefore proposed the insertion of a clause to provide that parishes should not be bound to erect any chapels in any cemetery, except the principal cemetery of the parish; and the absence of a chapel in such places, provided that a sufficient building stood there for the shelter of the clergyman and the funeral, should not be a reason for the Bishop of the diocese refusing to consecrate the ground.

THE BISHOP OF LONDON observed, this was the first time any attempt had been made by the Legislature to compel Bishops to consecrate either churches or burial grounds; and that was a matter which had always, more than any other, been left to the Bishops' discretion. He must protest against such an invasion of their rights as Prelates. No Bishop would refuse to consecrate a burial ground without good and substantial reasons, and he was sure his right rev. Brother of Winchester, whose refusal had been alluded to, would not do so. There was a part of the service which could only be read in a church; and although in some parishes it had been customary, in the case of the burial of poor persons, to read only the other part of the service, that was a very objectionable distinction between poor and rich, and was acutely felt by the poor, who were entitled to the full service of their Church. He hoped their Lordships would not sanction the clause proposed.

THE EARL OF HARDWICKE supported the clause, which was only intended to meet extreme cases. No one denied the right of the poor to have the whole of the burial service; but for the want of such a provision as this clause provided, some of the burials in this metropolis were of a lamentable and disgraceful description.

EARL GRANVILLE said, he thought there was some weight in the observations of the right rev. Prelate, as to the novelty of putting such an obligation on the Bishops; and as for the case mentioned, they had only heard one side, and the Bishop of Winchester was usually liberal in matters of this kind. He hoped the noble Earl (the Earl of Malmesbury) would not press the clause. He (Earl Granville) should propose as an Amendment, that where a representation was made by three-fourths of the ratepayers of a parish to the Secretary of State, he might dispense with the obligation of the law to build the second chapel in a cemetery.

THE BISHOP OF OXFORD thought the Amendment of the noble Earl (Earl Granville) would remedy, to a considerable extent, the inconvenience which had been complained of, without causing the evils which might be expected from the clause proposed by the noble Earl (the Earl of Malmesbury). There was not such difference of opinion between the Bishops as had been stated to exist; but they acted according to the circumstances of each case; and only last week he himself consecrated a large cemetery without any chapel, having first ascertained that it was within an easy distance of the parish church, for the body to be removed.

LORD REDESDALE hoped the noble Earl would not press the clause now. He had prepared a clause which he thought would meet the object in view, which he would move on the third reading.

Amendment, by leave of the House, *withdrawn*: Further Amendments made; Bill to be read 3ª on *Monday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 20, 1855.

MINUTES.] PUBLIC BILLS.—1° School Grants Security for Application; Office of Speaker; Turnpike Acts Continuance (Ireland); Joint Stock Banks (Scotland); Island of Tobago Loans.

3° Metropolis Local Management; Stage Carriage Duties, &c.; Court of Judicature (Prince of Wales Island, &c.); Convention with United States; Chinese Passengers Ships.

THE DANUBIAN PRINCIPALITIES.—QUESTION.

MR. LAYARD: Sir, it may be in the recollection of the House that on Tuesday I asked a question of the noble Lord as to the Danubian Principalities of Moldavia and Wallachia, and that, if I could not then obtain a reply, I would repeat it. The noble Lord said, the Four Points having been considered as a whole, the rejection of any one point involved the rejection of the whole four, and therefore, the third point having been rejected, the Government considered themselves free as to the others; but that in any future negotiations the principle of these points would still form the basis of arrangement. I wish to ask whether by "principle" the noble Lord means the principle laid down in the memorandum of the 28th of December, namely, as regards the first point, that the sole guarantee as to the Principalities should be converted into a quintuple guarantee, and that any future arrangement for the government of the Principalities should be by a combined arrangement between the Powers which are parties to the treaty. It having been reported to me that there is at this moment a commission sitting at Vienna to arrange a form of Government for the Principalities, I beg again to put the question to the noble Lord, whether he is aware of any such Commission sitting at Vienna? I also wish to ask him whether a protest has not been delivered to Lord Clarendon for the British Government, signed by a considerable number of Wallachian and Moldavian gentlemen of influence against the arrangements concluded at Vienna in reference to Moldavia and Wallachia? I wish to give notice that on Monday I will ask the noble Lord why Sir Charles Napier has been excluded from those honours of the Bath which have been recently conferred on other Generals and Admirals for their services?

VISCOUNT PALMERSTON: With regard to the first question of the hon. Gentleman, I certainly consider that it is rather difficult to Her Majesty's Government, and somewhat inconvenient to be asked, to state what are the precise conditions they may think it right to demand, or require or insist upon, in future negotiations. The hon. Gentleman must see the inconvenience of such questions, bearing as they do on matters of considerable importance. What I meant, on a former occasion, to state was this—that the details of the arrangement with regard to the first and second points were settled provisionally, on condition that the whole treaty of peace should be satisfactorily arranged. That not having been the case Her Majesty's Government—and the Austrian Government were quite aware of the circumstance—held themselves free to rediscuss any matter which had been provisionally agreed to in regard to the Principalities. But what I consider to be the fundamental principle of the first point is that Russia should no longer exercise that exclusive protection over the Principalities which hitherto by treaties she has expressly enjoyed. What may be substituted for that must be matter of arrangement when the time comes for considering it. With regard to the Commission reported to be sitting at Vienna, I beg to inform the hon. Gentleman that there is no such Commission sitting at Vienna, engaged in planning a system of Government for the Principalities. There is a Commission, but one of a very different kind—namely, a Commission consisting of English, Austrian, Turkish, and French members, who are empowered to receive representations from the inhabitants of the Principalities as to any complaints which they

may have to make with regard to the occupation of their country by the Austrian troops. I understand from my noble Friend (the Earl of Clarendon) that he has received a communication from certain gentlemen stating themselves to be natives of the Principalities, but who are not at all in a capacity which would make them the representatives of the Principalities—being persons residing in other parts of Europe—France or Germany. With regard to the question of the hon. Gentleman, as to what he calls the exclusion of Sir Charles Napier from the honours of the Bath, I can assure him that it was a circumstance which caused great regret to Her Majesty's Government, but the exclusion was one altogether self-imposed. Sir Charles Napier was informed that his name had been recommended for the honour of the Grand Cross of the Bath, but, for reasons of which he must be left to judge, he declined accepting it.

MR. LAYARD asked, whether the noble Lord would have any objection to lay a copy of the protest made by the Gentlemen from the Principalities on the table of the House?

VISCOUNT PALMERSTON said, he would communicate with his noble Friend the Secretary for Foreign Affairs on the subject.

INSTRUCTIONS TO LORD JOHN RUSSELL. —QUESTION.

MR. DISRAELI repeated the question put by him on a previous evening, as to whether the noble Lord at the head of the Government would have any objection to lay upon the table of the house a copy of the instructions given to Lord John Russell as the Plenipotentiary of this country at the recent Congress at Vienna?

VISCOUNT PALMERSTON said, that as a general rule, instructions of this sort were not laid before Parliament, and for reasons the force of which the House would at once acknowledge. The reasons were that these instructions necessarily entered into discussion upon all matters connected with the mission, involving opinions upon the relations of the different Powers to each other and to this country, and providing for contingencies and cases which might or might not arise; and it would be exceedingly injurious to the public service that such opinions should be made public. But he conceived the object of the right hon. Gentleman in moving for copies of these instructions was to ascertain whether these instructions were or were not in accordance with the despatches which had been laid upon the table of the House. If that were the object of the right hon. Gentleman, perhaps he would inform him?

MR. DISRAELI said, that it was somewhat irregular to ask what was his object in the course he had taken, and he must decline giving the noble Lord any reason for making the inquiry. He wished, however, to state that the noble Lord himself had moved for copies of the instructions given in the cases of Mr. Ouseley and of Lord Ashburton, and he (Mr. Disraeli) had, therefore, only followed a great precedent in the course which he had taken.

VISCOUNT PALMERSTON said, it was very hard when he was disposed to be courteous, that the right hon. Gentleman should be so very ungracious. What he was going to state was this, that if it was the opinion of the right hon. Gentleman, or of the House, that it would be a completion of the case if the Government laid before the House that part of their instructions which related to the specific points which had come under discussion, he would have no objection to give such extracts from the instructions as would complete that part of the case. He decidedly objected to giving the whole of the instructions for the reasons which he had stated, namely, that they treated of matters connected with the relations of the powers of Europe with each other and with this country, and that it would not be for the good of the public service to produce them. Subject to this limitation, he was perfectly ready to give extracts of the instructions, and he believed that when those extracts were in the hands of hon. Members they would be perfectly satisfied with that portion of them.

THE REWARD FOR DISTINGUISHED SERVICE.

MR. WILSON having moved that the House at its rising do adjourn till Monday next,

COLONEL NORTH put the question of which he had given notice—Whether those officers who wished to take advantage of the Queen's late warrant for the retirement of officers upon full pay, and obtaining a step in rank, would be permitted to retain the reward for distinguished service which Her Majesty had been graciously pleased to grant to them? In putting this question he begged to say that he did so merely for the information and satisfaction of a large body of gallant gentlemen who, on account of their distinguished services, loyalty, and sufferings, were entitled to the consideration and respect of the House and the Government. He himself was acquainted with the case of one of the officers who were in receipt of the good-service pension, and who was as distinguished a soldier as any in the army. He served in the campaign which ended with the battle of Corunna, in which action he was wounded in both knees; in the expedition to Walcheren, and also in the Peninsula, from the year 1810 to the end of the war, taking part in the numerous actions and sieges which distinguished that campaign; he received the gold medal for Toulouse, and the silver war medal with nine clasps. The object of that gallant officer was to take advantage of the new regulation, by which he might retire on the full pay of 17*s.* a day, with the rank of major general; and of course he was very anxious to know whether the reward which Her Majesty had been pleased to give him for distinguished services, and which amounted to about 100*l.* a year, would be withdrawn in the event of his availing himself of the regulation to which he referred. At the battle of Nivelle this gallant officer received a wound which, thirty years ago, when he (Colonel North) was an adjutant in the same regiment, he knew prevented him for days together from attending parade, and which he was concerned to find, from a letter written by the gallant officer within the last few days, still caused him the greatest anxiety and pain; yet strange to say he had been granted no pension in consideration of his receiving that wound. Moreover, although he had nine clasps and a war medal, he had not even been made a Commander of the Bath, and the answer returned by the authorities when he applied for it was, that that Order was not conferred for services so long past. He (Colonel North) trusted that, in honouring the comparatively young soldiers who were now serving in the Crimea, the soldiers who had shown them how to fight and set them such a glorious example would not be forgotten in their old age. He did not put the question from mere curiosity, but for the benefit of a gallant body of officers, and he should avail himself of every opportunity which the rules of the House furnished him with for the purpose of getting a clear and definite answer.

COLONEL DUNNE was surprised that

any hesitation should have existed for one moment in the mind of the Under Secretary for War in answering this question. If an officer received a distinguished service pension he received it for the services he had rendered his country; and in the event of his selling out, or retiring, there could be no reasonable ground whatever for depriving him of the pension.

Mr. FREDERICK PEEL readily acknowledged the right of the hon. and gallant officer to expect as definite an answer as he could give to his question. It was simply whether an officer who had received a reward for distinguished services, out of a grant made by Parliament should continue to receive it upon availing himself of the new regulations and retiring upon full pay; and he regretted that he experienced so much difficulty in satisfying the object the hon. and gallant Gentleman had in view. Much might undoubtedly be said on both sides, and it was not quite so clear a question as the hon. and gallant Gentleman who spoke last supposed. For instance, it was not desirable that the advantages of the full-pay list should be multiplied to such an extent as to bring forward a number of applications from comparatively young officers with which it would be difficult for the War Office to deal. Every officer who retired upon the full-pay list received a step of rank in addition to the full pay of the rank from which he retired; and if, in addition, he were to receive a reward for distinguished service, he feared that claims would be sent in by officers who had received that reward, to retire upon full pay, at a time of life when it would be most undesirable that they should be placed on the retired list. He also thought the rewards should be given in such a manner that they should fall in as soon as possible. At the same time he fully admitted that an officer, who had fairly earned a reward for distinguished service, should be allowed to keep that reward as long as he lived. The question, however, had not yet been decided by the War Office, and he would take care that attention should be immediately given to it, and that a decision should be arrived at as early as circumstances would admit of.

Colonel KNOX thought it was hard that a man who had purchased a commission in the army should be obliged, when in ill health, on pain of losing his good service pension, to retain that commission, although, perhaps, he had a starving family at home; and asked whether that regulation was to be carried out in the case of officers who had returned from the Crimea? He asked the Clerk of the Ordnance, also, whether any experiments had lately been made with the Enfield rifles, and with what results?

Mr. MONSELL said, that considerable improvements had been made within the last month. The Government had received no official report respecting the failure of the rifles manufactured at Enfield, and used in the Crimea, to which the hon. Gentleman referred.

Sir DE LACY EVANS said, he was glad to find that the question had not yet been decided by the Government. He agreed with the hon. Gentleman, that there was something to be said on both sides; but in the present instance the difficulty lay on the side of the Government. The hon. Gentleman said that the objection was lest young and distinguished officers should be induced to apply for leave to retire on full pay. But the hon. Gentleman must know that it was not a matter of course, but, on the contrary, a great favour to be allowed to retire on full pay. None but distinguished officers should be allowed to retire. Was the hon. Gentleman afraid lest the weakness of the Government should induce them to yield to the claims of others? He presumed to think that the hon. Gentleman had not stated all the reasons for leaving this matter still unsettled, and he hoped he would the next time be prepared with a more satisfactory answer.

Mr. ELLICE said, that this subject came before the Army Estimates Committee, and it then appeared that the money allotted to enable the officers to retire was limited in amount.

Sir DE LACY EVANS observed that the question under discussion was whether the officers who had received the distinguished service pension should be deprived of it.

The Motion for the adjournment of the House at its rising until Monday was *agreed to.*

METROPOLIS LOCAL MANAGEMENT BILL.

Order for Third Reading read.

Viscount EBRINGTON said, that the motives and conduct of those who had endeavoured to introduce Amendments into the Bill had been much misconstrued, and he wished to say a few words on the subject. It had been represented that they were opposed to the principle of local self-government, which was not true. Neither was it true that they had endeavoured to obstruct the Bill. It was true that they endeavoured to amend it, and he was happy to say that they succeeded in that to a very material extent. But, notwithstanding these improvements, he should be holding out false hopes if he said that the Bill afforded a wise, efficient, and economical sytem of local administration.

Sir HENRY WILLOUGHBY said, that he agreed in the principle of the Bill, but he doubted whether thirty-six different Boards, consisting of 100 or 150 members each, would be the best kind of machinery for working it. He thought it would be found that the owners of property were not sufficiently represented. If the principle of local management was good for the metropolis, it was good for the towns also, and he would contend for its application to them next Session. He thought that whilst the Metropolitan Board possessed such extensive powers of taxation, to give them the power of exempting certain districts of the metropolis from taxation was a dangerous principle. The right hon. Gentleman did, in the case of the Metropolitan Board, limit it to drainage, but he could not find that he had carried out the same principle as to the district Boards. There was another point. The right hon. Gentleman had admitted the principle of compensation, and in Committee it was admitted that there should be an appeal; but he now found that the Metropolitan Board, to whom the appeal lay, had the power to refuse compensation altogether. That was not properly an appeal, for the Bill enacted in another clause that there should be some compensation. He thought it proper that the right hon. Gentleman should be prewarned, that he might take steps to insert some words that would carry the intention of having a proper appeal into effect. He trusted that the right hon. Gentleman would take care that district Boards should not have the power of arbitrarily taxing property; and also that the 600 people who would be employed, might have a fair chance of getting the compensation which was intended by one clause, but which by another clause the Metropolitan Board would have the power of refusing.

Lord SEYMOUR said, it had been promised that there should be a clause fixing a time, after which no sewer would be allowed to discharge itself into the Thames; and he wished to know if such a clause had been introduced, and what was the time fixed?

Sir BENJAMIN HALL would answer the question of the hon. Baronet first. The Metropolitan Board of Works had the power of levying rates, which were to be general; but in the case of sewerage, the rates were to be levied on the districts over which the drainage extended. As to compensation, what he understood was this, that there should be an appeal, and the noble Lord the Member for Totness (Lord Seymour) suggested that the appeal should be to the Metropolitan Board of Works, and that any party might go before them and have his case heard. That had been provided for in the clause. What he had objected to was any reference being made to the Treasury, and, therefore, it was left, first, for the district Board to determine, and the party might state his case again to the Metropolitan Board of Works. As to the question of the noble Lord (Lord Seymour) he would say that he had fixed a time after which no drainage water could go into the Thames, the time being five years from next December. It was impossible to carry out the great works contemplated in a shorter period.

Bill read 3°.

Mr. H. BARING proposed the following clause—

> "No person appointed by virtue of this Act to the Office of Chairman of the Metropolitan Board of Works shall, during the continuance of such appointment, be capable of being elected or sitting as a Member of the House of Commons."

He thought the Chairman of such a Board would have quite enough to do without attending to Parliamentary duties.

Clause *brought up* and read 1°.

Motion made, and Question proposed, "That the said Clause be now read a second time."

Lord ROBERT GROSVENOR said, he regarded the Motion as one of a very objectionable description, and hoped it would not be pressed. He objected to the exclusion from this House of Gentlemen who, when appealed to, were capable of throwing great light upon questions which came before Parliament.

Mr. W. WILLIAMS thought a great many points would arise in the House respecting this Board which would require explanation, and who was so fit to give that explanation as the chairman of that Board? This was not a Government appointment, and he could not conceive the existence of any ground for excluding the chairman of this Board from the House of Commons, if he could get any constituency to elect him.

VISCOUNT EBRINGTON said, he should support the clause, being of opinion that there would be great evil in such an officer being appointed on Committees of the House for instance, or being detained in the House late at night. It was said that he could be removed at once if any evil arose; but his removal could only be effected by the votes of two-thirds of those whom he sat with, and was not likely to take place.

MR. PERCY said, that one of the principal arguments for giving a large salary to this officer was that he had great and onerous duties to perform, which would occupy so much of his time; and it was, therefore, clear that he could not do his duty in the House of Commons and at the Board at the same time.

SIR BENJAMIN HALL said, that the proposition of the hon. Member for Marlborough (Mr. Baring) amounted to this—here was an officer appointed to an important duty with a large salary, and the House of Commons was to step in and say to the constituencies, "You shall not choose any Member of this House, and if you elect any other person he shall not be allowed to sit in this House." They might as well say that the Lord Mayor of London should not have a seat in the House of Commons because he was paid a large sum of money and had onerous duties to perform. He thought it most unfair to make such an exception as that proposed.

MR. HENLEY said, he did not see why a Member of Parliament should be excluded if elected; but at the same time he thought that such an officer would be very fortunate if he had not a seat in the House, for he would have quite enough to do to manage the forty-five gentlemen whom he presided over, without being subject to be questioned by 600 Members in that House.

MR. H. BARING said, as he thought the feeling of the House was against the clause, he would withdraw it.

Motion, by leave, *withdrawn*.

Five clauses *added*.

Bill *passed*.

THE TURKISH LOAN.

The House having resolved itself into a Committee of the whole House,

THE CHAIRMAN read the following Resolution—

Mr. W. Williams

"That it is the opinion of this Committee that Her Majesty be authorised to guarantee the payment of the interest on the loan of 5,000,000*l.* sterling, to be contracted for by His Imperial Majesty the Sultan, in pursuance of the Convention signed at London on the 27th day of June, 1855, between Her Majesty, His Majesty the Emperor of the French, and His Imperial Majesty the Sultan, and that provision be made out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, for the issue of such sums of money from time to time as may be required to pay any interest which may at any time be required to fulfil the guarantee of Her Majesty in respect of such interest, conformably to the tenour of Her Majesty's engagement as specified in the said Convention, together with the attending charges of management thereon."

VISCOUNT PALMERSTON: Sir, the Convention upon which the Resolution is founded was entered into by the two allied Governments with Turkey, in accordance with, and in fulfilment of those common views which have actuated those Governments and the people of the two countries in regard to the war in which we are now engaged. That war was undertaken for the defence, present and future, of Turkey. It has been the opinion of all those who have concurred in the justice and policy of the war that it ought to be prosecuted with all the vigour and energy which the resources of the several parties engaged admit the employment of. No doubt great efforts have been made, and will continue to be made, by the Governments of England and France for that purpose; large armies have been sent out, great fleets have been fitted out and stationed in the two seas—the Black Sea and the Baltic; but it is evident that the exertions of England and France cannot be attended with the results which we are entitled to aim at, and which are essential for the accomplishment of the objects for which the war is undertaken, unless the efforts of these two countries, which are comparatively distant, can be efficiently seconded by the exertions of the country itself which is most nearly and deeply interested in the conflict. Everybody is aware of what I may call the noble struggle which Turkey has made in this war—of the great and successful efforts which her army made during the greater part of a twelvemonth in defending the northern frontier of her territories. The success of those efforts and the magnitude of them exceeded, I believe, the expectation of almost all those persons who had turned their attention to the resources and prospects of that empire. There were few who believed that there was in the Turkish nation that enthusiastic devotion to the cause of their country which has been exhibited by the Turks in this war; there were few who believed that there existed in the Turkish army that power of combination and of resistance which was manifested by the army under the command of Omar Pacha on the borders of the Danube; there were few who believed that the Turkish empire possessed the financial and material resources which were required, and have been furnished hitherto in the course of that contest. At the same time it was foretold by many that the resources of Turkey must inevitably prove insufficient for a prolonged continuance of the exertions which were required, and especially that her finances must fail in supplying the demands which the war would occasion. Owing, however, to great exertions hitherto, those demands have to a considerable extent been supplied by the ordinary revenues of Turkey; but it is no reproach or disparagement to the Turkish Empire to say that her ordinary resources are unequal to the emergencies of the great and important struggle in which she is engaged, because that happens to all countries which are engaged in war. It happens here; it happens in France; and, from information which we have received, we believe that in Russia the difference between the ordinary revenue and war expenditure is greater even than in England, France, or Turkey. We are informed, on I believe pretty good authority, that, whereas the ordinary revenue of Russia is about 30,000,000*l.* sterling, her expenses in this war certainly equal, if they have not exceeded, double that amount. Well, Sir, the ordinary revenues of Turkey, I believe, amount to about 10,000,000*l.* sterling. In the course of last year they were obliged to resort to a loan to increase their available means, and accordingly a loan was negotiated, nominally of 5,000,000*l.*, but of which between 2,000,000*l.* and 3,000,000*l.* was actually raised. That has not been found sufficient for the purposes of the Turkish Government, and they have put it to England and France that, unless additional means were found to defray the current expenses of the military and naval services of Turkey, they would come to a stand, and that it would be impossible for Turkey, out of her ordinary resources, to find the means of defraying the necessary and unavoidable expenses connected with her military and naval operations. The matter was long and seriously considered by the Governments of England and France. We felt, that if, while we were making great exertions in support of Turkey, by armies and fleets, we allowed the very body which we wished to support to fall to pieces for want of resources, we should be defeating the object which we had in view, and should be rendering fruitless all those great efforts which we were making in her support; that unless the Turkish Government were supplied with the means of paying and maintaining their own army, it would be vain for England and France to send armies for the purpose of defending her territory. Then the question arose, how that additional supply was to be obtained? There were different ways in which the assistance might have been afforded. The two Governments might have had recourse to that system which this country resorted to in the last war, by furnishing a subsidy to the Power which you intended to assist. That, of course, was not deemed expedient either by the British Government or by the Government of France. There are many objections to it, both in regard to the parties who are to furnish the subsidy, and in regard to the real interests of the party to whom the subsidy would be granted. If you wish that the power should have vitality and a real existence, you must teach that Power to rely, as far as possible, upon its own resources, and, at all events, if temporary assistance be required, it ought to be derived as much as possible from the means and upon the responsibility of the party who is to derive benefit from it. It being thought inexpedient, then, to give a subsidy to Turkey, the next question was in what manner Turkey should be enabled to raise the means to carry on its military and naval services; and it was thought that the best method was that which the two Governments ultimately determined on, namely, to afford to the Turkish Government the assistance of the credit of England and France by a guarantee of a loan the interest and sinking fund of which should be paid out of the revenue of Turkey herself. That being so far determined, then came another question, namely, taking the amount of 5,000,000*l.*, which the Turkish Government thought it desirable to raise, whether that sum should be guaranteed by the two Governments separately, each taking half the amount, or whether they should conjointly guarantee the whole amount, taking a separate engagement, as between themselves, practically to provide that they should share half-and-half in the liability, supposing the liability to arise. Undoubtedly the former method is that which the British Government first thought of, and which perhaps is most in accordance with the habits and views of this country, and which is more in conformity with the precedent of former cases of the same kind; but the French Government laid great stress upon its preference of the latter method, which we have adopted—we under the circumstances of the case, considering the right of France to have an opinion on this matter, and that as the arrangement would come to the same result in the one case as the other, we were bound so far to defer to the wishes of the French Government as to adopt the system of joint guarantee instead of the separate guarantee, half-and-half, dividing the loan into two distinct and separate portions. Another question also arises, namely, what is the probability that the Turkish Government will be enabled out of its own resources to pay in future the amount which will become due for interest on the loan and for the sinking fund? I have no hesitation in saying that there is every reasonable and rational expectation that Turkey will have ample means of making good its engagement without throwing any practical and real burden upon the finances of her two allies. The resources of Turkey are infinitely greater than have been as yet developed. By her local position she has resources of commerce which are annually increasing, and which, under happier circumstances, there can be no doubt will be materially and extensively developed. There are in the Turkish territory mines of every kind, both of metals and of coal, which only require to be worked to produce ample resources to that country, and it is to be hoped that other improvements may take place which will tend greatly to increase and develop her national resources. It has been the misfortune of Turkey as yet, that, whenever her Government felt disposed to make any material improvements in her internal arrangements, calculated either to give additional strength to the institutions of the country, or to add materially to her resources either financial or defensive—it has been her misfortune, I say, that the influence of Russian agency has interposed, and, by the means which were always at her command, has either totally paralysed her intended action, or as so essentially crippled it as to prevent its producing the result which might otherwise have been expected. It is to be hoped that those influences will hereafter have less power than they have hitherto exercised; and I therefore think that we are justified in anticipating that while the engagements which we now call upon the House to ratify will afford to the Turkish Government the means of co-operating with its allies in carrying on effectually the contest in which we are all engaged, there will, on the other hand, be no good reason to fear that those engagements will in the end be productive of any financial burden upon this country. The immediate security given is, in the first place, the available surplus of the tribute of Egypt. That available surplus, after providing for the interest and sinking fund of the loan contracted last year, amounts to about 65,000*l.* a year, which will be applicable to the payment of the interest and sinking fund of the present loan. Beyond that, the security given is the entire revenue of the Turkish Empire, and arrangements will be made to secure certain parts of that revenue, to provide the means from time to time of meeting the interest and the demands of the sinking fund. It is the intention of the two Governments to make an arrangement with the Turkish Governments, to which we anticipate no obstacle at Constantinople, to secure that the moneys so raised by loan for the military service of Turkey shall be applied to that military service; so that, while on the one hand engagements are entered into to enable Turkey to raise this money, on the other hand the two Governments of England and France shall have a certainty that the money so raised shall really be applied to the purpose for which it is intended; because it is plain, that if the money raised for the purposes of the war were to be diverted into other channels, and were not applied really and truly for the war, this country would be entering into an engagement for a purpose which would not be accomplished, and we should not be justified, therefore, in asking the sanction of Parliament to such a proceeding unless we took measures for securing that the object in view should really and substantially be obtained. Now, Sir, considering the great importance of the struggle in which we are engaged, and the absolute necessity of furnishing, in some way or other, the Turkish Government with the means of playing its part in that great struggle; and considering also the real danger to our enterprise if the Turkish army were to fall to pieces for want of the ordinary means of keeping it together and of maintaining it in a state of efficiency. I cannot persuade myself that the House will not be disposed to concur with Her Majesty in the engagement which the Convention records, and I anticipate that the House will, by passing this Resolution in the first place, and the Bill which shall afterwards be founded upon it, afford to Her Majesty the means of making good the engagement which She has contracted on the belief that the House will concur in making that engagement good. I am persuaded that the feeling which I believe to be universal in this House and the country, that every effort ought to be made for carrying on the war with energy and vigour, will induce hon. Gentlemen to consider this as one of the most indispensable measures for the attainment of that object, and that therefore I shall obtain the sanction of the Committee to the Resolution which you, Sir, will now be good enough to put from the chair.

MR. J. L. RICARDO said, that if he could reconcile it with his duty as a Member of Parliament, whose special function it was to watch over the Government and to see that no unnecessary burdens were imposed upon the people, to vote for the Resolution proposed by the noble Lord, there were many considerations which would induce him to do so. When, however, he recollected that we were by this loan re-entering upon the whole system of subsidies, the effect of which still pressed so heavily upon the nation, he felt himself bound to consider carefully the course which he should adopt. He found, from a Return obtained by the late Mr. Hume, that the amount of subsidies granted during the last war, in the twenty years up to 1816, amounted to no less a sum than 58,000,000*l.*, and, taking that amount at the price at which money was had at that time, to that system might be attributed very nearly one-tenth part of the national debt of the country. He felt, therefore, that unless some immediate and imperative necessity could be shown for resorting to a system that had produced such results, he should be compelled to vote against the Resolution of the noble Lord. He might just remind the House, as a singular proof of the way in which the system worked, that out of the 58,000,000*l.* which had been thus granted in the form of subsidies, 9,613,000*l.* had been granted to Russia. He would not enter into the question as to how far the temporary exigencies of the day required that those subsidies should be granted; but it must be palpable and clear to every one that if those subsidies, to the extent of nearly 10,000,000*l.*, had not been granted to Russia, her power of aggression would have been diminished by that amount, and perhaps this country might not now be engaged in the struggle which weighed upon her. In that amount he did not include the Russo-Dutch oan, because that was a subsidy to Holland rather than to Russia; but he could not but recollect that that loan was in existence still, and that at this moment the country was paying between 80,000*l.* and 90,000*l.* a year to Russia in the form of a subsidy to Holland. What he wished to point out to the Committee was, that if this country commenced the system of subsidies again it might find itself in the predicament of subsidising Russia in an indirect manner for the purpose of subsidising Turkey, and might thus be paying both sides. With regard to precedent, when, in the year 1832 the Greek loan was guaranteed, a different course was adopted from that which it was now proposed to pursue. That loan was an advance of two millions and a half made to the King of Greece, whom this country appointed—and a very satisfactory king he has proved himself! The loan was guaranteed by three Powers —England, France, and Russia. But did they give a joint guarantee? Not all; but each Power guaranteed its own proportion of the loan, and each was liable for that proportion only. Greece had not paid a single penny of interest for the last twelve years, but we had only to pay our own share of the loss, and yet no quarrel had arisen between the three Powers on account of the loan. But, he would ask, was it probable that such would have been the case if the guarantee had been a joint guarantee? Suppose this country were to enter into a joint guarantee with France to pay the interest of this loan of 5,000,000*l.*, and then suppose a thing should happen, which he hoped would not happen, but which had before happened in the recollection of all present—namely, that a change should take place in the Government of France, either from some accident to the reigning monarch or from some other cause; and then, again, suppose that that country should then turn round and refuse to pay the interest of this loan; in the event of Turkey not being able to do so, was this country to pay the whole amount itself? Even if it had to do so, that would not be of such great importance, because the amount could be easily raised by the imposition of a new tax, but the effect would be that the country would be involved in interminable disputes, as Holland was with Russia, and in his opinion there was no one element which could be introduced in diplomacy productive of so much ill-feeling and enmity as disputed financial operations. He was by no means surprised to hear the noble Lord say that it was the wish of France that we should enter into a joint guarantee, because, in fact, such a guarantee would be a guarantee by England alone. When a mercantile man saw two names on the back of a bill of exchange, he did not care for the second name if he saw the first was a good one—every one knew that the highest credit ruled the market. He had expected that the noble Lord, who had been a party to the manner in which the Greek loan was raised, would have given to the Committee a better reason than the wish of the French Government for departing from a principle which he then adopted. The main point, however, to be considered by the Committee was, whether this guarantee or subsidy—for he was unable to see any distinction—was a matter of absolute necessity to Turkey. He had never known a time when there appeared to be more uniformity of opinion between the Chancellor of the Exchequer and the House of Commons, and he felt sure that the House would be ready to grant any sum of money necessary for the prosecution of the war; but the House ought to pause before it consented to bear not only the expenditure of this country, but also the expenditure of another State, or, at least, before doing so, it ought to inquire whether the country which it was assisting had from its own resources the means of raising the sum of money it required. They ought to have the clearest proof of the necessity of the case. The noble Lord had stated that he did not expect that this country would be called upon to pay anything for Turkey, because he thought that the resources of Turkey were sufficient to pay the interest upon the debt which she was about to incur. But he could recollect that the noble Lord had made a similar promise in the year 1832 upon the occasion of the Greek loan. In answer to Mr. Baring, the noble Lord said—

> "As the hon. Member had mentioned the term 'guarantee,' in order to prevent any misconstruction, he (Lord Palmerston) would observe that the guarantee contained in the treaty would not involve England in the liability of paying one single shilling of the loan, as it was distinctly arranged that the whole revenue of Greece should, in the first instance, be applied to the payment of the interest and the debt by instalments, so that England could not be called upon unless on the failure of that revenue."—[3 *Hansard*, xiv. 561.]

Now, what had really happened? Did Greece pay a shilling? No. This country had had to pay, for the last twelve years, the whole amount of that Greek guarantee; and, if we had had a joint guarantee, the probability was that we should not have had the French alliance now, and that we should have been engaged in a quarrel with Russia long before. At the same time, the noble Lord, though mistaken in the case of Greece, might be right now. The revenue of Turkey was 10,000,000*l.*; the balance on the Egyptian tribute, as he made it, 72,000*l.*; the Customs, 100,000*l.*; and Syria, 80,000*l.*; making altogether, 250,000*l.*, specially guaranteed for this loan. But supposing this to be so, the noble Lord was placed in a dilemma; for, if the revenues of Turkey were sufficient to pay us, they were sufficient to pay anybody else; and, depend upon it, the public were as good judges as they were of the value of a country's resources. If they were invited to lend this money to Turkey or to guarantee the interest, upon the pretext that she could pay us out of her own resources, there was no sort of reason why the public should not lend her the money without our guarantee at all. It must be remembered that Turkey had already actually raised money, and raised it at a very great price—6 per cent stock, somewhere at 80; and he had been told by a gentleman, who gave him permission to state the fact here, that that individual had offered to lend Turkey the other 2,500,000*l.* of the loan at 85, while a French banking company had offered to lend them 2,000,000*l.* at 86. The price of the stock now in the market was 91, and would anybody, then, tell him that Turkey could not raise a loan herself, and that she would "fall to pieces" unless we came to her assistance? Doubtless she would have to borrow money at a higher rate; he did not deny that; but why should this country step in now, at the commencement of her difficulties—if difficulties there were—and at once Quixotically offer to lend her money? He could not, for the life of him, conceive what excuse could be offered—the Chancellor of the Exchequer was, he saw, present, and might succeed in doing so, but the noble Lord had offered none—for, appropriating the money of the people of England in this way, while they were told, at the same time, that the resources of Turkey were amply sufficient to pay the interest on the whole amount she wanted. He was one of those who thought they ought not to be negligent of their finances in proportion to the increase of their outlay—on the contrary, the greater the demands upon them, the more careful they ought to be to husband their resources, and he was convinced that unless a different course were taken to that which appeared to be adopted now, the Chancellor of the Exchequer would find that those resources were not inexhaustible. He believed that, up to the present time, there had been an extravagance without parallel even in the expenditure of the last war, and he took blame to himself that he had not spoken on the subject before. Wherever negligence had been shown there had always subsequently been profusion in an equal, if not in a greater, proportion, and no check whatever appeared to have been exercised. The House of Commons had not troubled their heads about the expenditure one bit, and if there happened to be a Chancellor of the Exchequer who took some pains to investigate what the expenditure was, and carefully husband the national resources, he was accused of starving the war. There could be no economy practised now, too, but they were accused of the same thing, and were told that they did not wish the war to be carried on with vigour. He believed this was the stereotyped expression. In his opinion, however, they ought to look a little closer into the subject, and he thought the House of Commons had not been properly treated with regard to it. One day, the Minister for War, a peer, came down and informed the other House that the pay of the army in the Crimea was to be doubled—the House of Commons not having heard a word about it. Now he did not dispute the right of Her Majesty to pay her soldiers what she liked; but the country had to provide the means, and before such an arrangement was announced the House of Commons ought surely to have known something of it. Again, the other night, in answer to a casual question put to him, the Chancellor of the Exchequer, in the most indifferent, the coolest possible way, informed the House that he had already exceeded the Estimate, and that he should probably bring forward a supplementary one. No formal announcement had been made on the subject, and at this moment he (Mr. Ricardo) did not know when it was to come before them. Then the first intimation they had received of this loan was in the shape of a report published in the French newspapers, informing them that England was to guarantee a loan of 5,000,000*l.* in conjunction with France. The subject was brought before the Legislative Chamber on the 7th of July, and it was not until the 17th that, in answer to a question he had put, they knew anything about it here. He thought this was not the way in which they ought to be treated in that House; they had borne it long enough; and he, for one, did not consider that he should be doing his duty if he submitted to it any longer. He was quite aware of the inconvenience which might be caused by any opposition to a Resolution the subject matter of which had already been agreed upon in a Convention with a foreign Power; but if inconvenience resulted, the noble Lord had nobody but himself to blame for it, because the least he ought to have done was to ascertain the feeling of this House on the subject before entering into any such Convention. If the noble Lord had mentioned the matter to the House, he would no doubt have found that the people of this country were willing to incur their own expenditure; but he (Mr. Ricardo) believed that some paramount necessity must be shown before they agreed to become responsible for the expenditure of others. Entertaining this opinion, he gave the noble Lord notice that he should certainly divide the Committee against the Resolution.

The CHANCELLOR of the EXCHEQUER: My hon. Friend the Member for Stoke (Mr. Ricardo) began his remarks by objecting to the Resolution before the Committee upon the ground that we were proposing a subsidy to Turkey. He quoted a return moved for by Mr. Hume, showing what was the amount of subsidies in the late war, including subsidies to Austria and Russia, and he argued from the amount of these subsidies (about 50,000,000*l.*, I think he stated) that the proposition before the Committee ought not to be acceded to. Now, Sir, I would first call the attention of the Committee to the fact that what is now under their attention is not a subsidy, but a guarantee. What is meant by a subsidy is that this country raises a sum of money, that it either effects a loan, or out of the current revenue it pays a sum of money to a foreign Power, and hands it over to that Power in order to defray the expenses of the war. That was a practice which was followed to a great extent during the late war, and this country furnished large sums of money to Austria, to Prussia, and other continental Powers for the purpose of enabling them to continue the gigantic struggle which was maintained for so many years against the power of Napoleon. But, Sir, the proposition now under the consideration of the Committee is not a subsidy, but it is a guarantee of a loan to be effected by Turkey. The Government of Turkey will effect the loan, and is primarily liable for the payment of the interest, and also for an annual sinking fund. The obligation of England and France only arises in case Turkey fails to discharge the annual interest. This is the difference between a subsidy and a guarantee, and this is an answer to the objection which my hon. Friend takes to the adoption of the practice of subsidising foreign Powers. He next proceeds to discuss the question of the joint guarantee. Now, I have no hesitation in stating to the Committee, as has been already stated by my noble Friend at the head of the Government, that if Her Majesty's Ministers had exercised their own discretion and choice, without any objection on the part of the French Government, they would have preferred that their guarantee should have been separate, should have extended only to half the loan, and that the guarantee for the other half should have been separate on the part of the French Government. That course, however, was objected to on the part of the Government of France. They proposed that the guarantee should be joint and entire for the whole loan, and, considering the amicable relations subsisting between the two Governments, and the joint object for which this loan was to be effected, Her Majesty's Government considered that they were bound to accede to this arrangement. Now, I am aware that there are some arguments of weight which may be adduced—as they have been by my hon. Friend—in favour of a separate guarantee. But an engagement has been entered into by the French Government by which they undertake, in case the two Governments are called on to make good their guarantee, to defray one-half of the sum that may be necessary for the payment of the interest and any other expenses incident to the transaction. Thus, although, in form, the loan may be jointly guaranteed, practically and in effect the guarantee will be made separately by the two nations. My hon. Friend has further objected to this Convention on the ground that no necessity has been shown for the interference of the guaranteeing Governments, and that it was in the power of Turkey to raise for herself a fund sufficient for the maintenance of the war without calling for the assistance of any other nation. In answer to that statement, I can only say that the strongest representations were addressed to Her Majesty's Government and the Government of France with regard to the inability of the Turkish Government, during the progress of the war, and in the actual state of her finances and credit, to raise a sum sufficient to defray their military expenses connected with the war. The Committee must consider, not merely the condition of the revenues of Turkey during a time of peace, but also the extraordinary demands which have been made upon her in a time of war, and the fact that hitherto she has not been a borrower in the money-market of Europe. Compared with more civilised nations she enjoys the advantage of having, as yet, contracted no national debt. I believe that the first debt of magnitude which she ever contracted was the loan of 3,000,000*l.*, borrowed partly in this country and partly in France, which she raised on somewhat disadvantageous terms, notwithstanding the large amount of her resources. Upon that loan she received 80*l.* for every 100*l.*, and for the sum borrowed she pays an interest of 6 per cent., besides being subject to certain deductions in the nature of commission. I believe that further losses were incurred by the Turkish Government in remitting the sum of money thus raised from London and Paris to Constantinople; so that the actual amount realised by Turkey would by no means come up to the amount which her credit fairly entitled her to. In the circumstances under which the loan was negotiated, and the pressure brought upon her finances by the existing war, she could not have gone into the market with a project for raising a sufficient sum for the maintenance of the war and for defraying her military expenses with any chance of success. In such a state of affairs she applied to her allies, and, after giving due consideration to the subject, they have agreed to the Convention which is now before the House. My hon. Friend also says the House ought not to entertain this proposition, because they have not received due notice of it from the Government, and he says that both upon this and upon other financial matters the House have not been treated with that respect and deference to which they are entitled, particularly referring to the supplementary estimates for the naval and military services about to be introduced. I can only say that when an hon. Baronet opposite (Sir H. Willoughby) asked me a question with respect to the intention of Government to propose such supplementary estimates—

MR. J. L. RICARDO: The question of the hon. Baronet was as to when you intended to go into Committee of Ways and Means.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Baronet communicated with me previously as to the way in which the question should be put, and he asked if it was my intention to propose anything additional in Committee of Ways and Means. I stated that it would be necessary to propose some additional estimates for the army and navy, and that if those estimates were agreed to by the House it would then be my duty to show how the additional expenses were to be met. I am at a loss to know how, in giving that answer, I departed from my duty to this House. I believe that it is not the usual practice to give notice of submitting supplementary estimates. When submitted they speak for themselves, but of course sufficient time is given for their consideration before they are proposed to be voted in Committee of Supply. My hon. Friend further says that, before Her Majesty entered into this Convention with the Governments of France and Turkey, the House ought to have been informed of the intention of the Government to propose such an arrangement, and the pleasure of the House ought to have been taken before the Convention was framed. In answer to that objection, I can only say that such is not the practice with respect to treaties between independent nations. It is the prerogative of the Crown to negotiate with foreign Powers, and to enter into Conventions with them in matters involving a guarantee. If the treaties require the subsequent confirmation of Parliament, then they are communicated to Parliament, with a recommendation to enable the Crown to give effect to the provisional arrangements. The communication from the Crown is the notice to the House; it is competent to the House either to grant or to refuse its assent to the recommendation of the Crown; but I believe that no example can be found of a Minister, before the Convention was made, coming down to the House and taking its pleasure upon the desirability of entering into a negotiation with a foreign country. I believe that I have now gone through the principal points which have been touched upon by my hon. Friend, and although it is no doubt inconvenient that any prospective burdens should be imposed upon the resources of the country, still I cannot but think that the Committee, on a consideration of all the circumstances of the case, will see that Her Majesty's Government had no other alternative than to propose this Convention for the purpose of providing means for the carrying on of the war with vigour and success.

MR. GLADSTONE: Among the many excellent qualities of my right hon. Friend the Chancellor of the Exchequer, which have made him deservedly esteemed by his friends and by this House, I confess that I cannot but admire the comfort and composure with which he discharges the difficult duties of his office. I confess that I do not think that any Gentleman who listened to my right hon. Friend could have derived from his speech—unless he had been otherwise informed—an impression that we have now before us for discussion and settlement one of the most serious and formidable questions which have ever been submitted to Parliament; because if there is a question connected with our finances that excites a deep and general feeling of suspicion, mistrust, alarm, and aversion, it is a proposal, at the commencement of a war, of the nature of that now before the Committee. We are not discussing, on this occasion, any question of pacific or martial policy. We do not come here as Members of a peace society, or of a war society, and I shall deal with the question before us precisely as if I believed that the difference between four ships and eight ships, or the difference between limitation and counterpoise, justified the effusion of all the blood and treasure which the war has cost, and is still likely to cost.

If there is to be war, it ought to be carried on with all the energy of which the country is capable, and we ought not to avail ourselves of the unpopularity of a particular vote, to assail by indirect means the prosecution of a war which we have not attempted to interfere with by direct means. I do not, therefore, in the slightest degree object to the principle on which my noble Friend at the head of the Government is anxious to proceed. I grant that it is a legitimate subject for consideration in this House whether or not you ought to give direct aid—in addition to all the heavy expenditure which you have incurred—to the Power in whose behalf you are waging war. We know that Turkey greatly mismanaged her first attempt in the financial market about two or three years ago; but last year she succeeded in effecting a loan, for which she was undoubtedly obliged to pay dear, but very little more, after all, than England had to pay at the period of the revolutionary war, and not one farthing more than the great empire of Austria or the solvent kingdom of Sardinia would have had to pay. Therefore I do not perfectly see that a case of necessity has been established, but of course I am bound to admit that the Government has better means of judging than myself with respect to that point. Therefore I should be prepared, to a considerable extent, to apply the principle of confidence even in respect to an operation of this kind, if I were satisfied that the Government itself had given its attention to the question; but taking it for the moment on trust that a case of necessity has arisen, it then becomes a matter of vital importance to consider how we should supply the necessity of our unfortunate ally. The right hon. Gentleman the Chancellor of the Exchequer seems to think that he had removed every ground of alarm when he declared that this is not a subsidy, but a guarantee, and the noble Lord at the head of the Government stated that he had a great objection to subsidising Turkey. Now, I cannot help noticing with considerable surprise that we have been on a small scale giving something like a subsidy to Turkey, in the worst of all ways—namely, in disguise. The Government having, for the purposes of Turkey, had occasion to obtain coal from a portion of the Turkish dominions, had been paying to the Turkish Government, in respect to that coal, a charge in the way of royalty of 10*s.* per ton; the total cost being 15*s.* per ton. Thus we have been paying to the Turkish Government for that coal about ten times as much as the most fortunate coalowner in Northumberland obtains on the produce of his mines, and four or five times as much as the coalowner of Staffordshire, though he has iron furnaces at hand to consume the produce of his mines. Now such a proceeding is highly impolitic—whatever measures are adopted, let them be of an open and undisguised character. The noble Lord assures the House that this country runs no risk of being called on to make good her guarantee; and forgets, apparently, that in 1832 he used precisely the same language; but smooth and agreeable speeches in this House will be of no avail when creditors come to the English Government and plead their guarantee. Nor is this the only case. In 1795, Mr. Pitt came down to the House and assured Parliament, with perfect sincerity, that there could be no risk of this country being called on to pay the Emperor of Austria. What was the result? Although Mr. Pitt was at pains to take real and substantial securities, such as would not be found in the Convention now on the table—depositing the shares of the Bank of Vienna in the Bank of England and taking power to sue every receiver and revenue officer in Austria; yet not a farthing of the interest of that loan had ever been paid by Austria—we were compelled to pay the interest half yearly, and, when the principal was finally settled, something like 2*s.* 6*d.* or 3*s.* in the pound was paid by Austria and 17*s.* by England. Mr. Pitt found that a guarantee was a subsidy and something more and worse—a deception and an imposture, because it deluded the people and the representatives of England, inducing them to pledge the national credit and entrapping them into engagements of which they did not know the nature; and after that experiment, he (Mr. Pitt) never repeated his proposal for a guarantee, but adopted the manly course of granting a subsidy—the course which, supposing a case of necessity to have arisen, it appears to me ought to have been followed upon the present occasion. For England to guarantee a loan to a foreign Power, especially to a Power placed in such equivocal circumstances as Turkey, is a bad and dangerous proceeding. If Turkey really wants our aid, let her have it in an open, straightforward manner. If she wants a loan, and we desire to show we have a good opinion of her credit and resources, let us become subscribers and pay down our money at once; or if a case of necessity can be shown, let us give her whatever she requires for the purposes of the war; but do not let us be inveigled into such an arrangement as that now proposed, of which no man can see the end, which may give rise to political difficulties of the most formidable character, and which will certainly impose a heavy burden upon the people. I have shown in the case of Mr. Pitt what was the result of his first attempt in this ill-omened course of guaranteeing; and yet he did his best, by every form of instrument, to fasten on Austria the responsibility of the loan. There is another reason, in addition to that stated by the Chancellor of the Exchequer, why the Government did not come down and explain their intentions to the House. Our guarantee is a joint and several guarantee, and knew that the other mode of proceeding—that of guaranteeing upon our own account, separate from France—is most in conformity with the habits and wishes of the people. The truth is, the Convention now on the table is an unhappy retrogression. Do its subsidiary and mechanical arrangements indicate any intention to bring home the responsibility to Turkey? Can any man really believe that it establishes anything like an equality of liability between France and England? The Chancellor of the Exchequer says, that by an arrangement between the two Governments, France is to send over to this country half of the interest in the event of Turkey failing to meet her engagements. But that arrangement does not appear on the face of the treaty, and I hope the House will not consent to the instrument as it now stands, in order that it may be amended in that and other respects. It is a significant circumstance that everything is to be done in England. The money is to be transmitted to England; the interest is to be paid in England; the creditor of the Sultan of Turkey will knock at the door of the Bank of England for payment of his dividend. The Sultan, it is true, engages to remit the money. Suppose he forgets to remit—suppose his remittances miscarry—suppose some ingenious Russian Minister, after peace is made, should represent to Turkey how unfortunate her position is with respect to this debt, extorted from her by the English oppressors—will the holder of Turkish stock be sent away from the doors of the Bank of England unpaid? Of course not; we are bound to pay the interest; and when we have paid our own share, can we turn round and say that the French half had not arrived, and that the creditor must wait until we get the French remittance? On whom, let me ask, does the first responsibility fall? Undoubtedly, the first responsibility is made to fall on England, and I believe the first responsibility in this case will be the last responsibility too. We are told, that in settling a question of this kind, France is to have the weight of its opinion as to a guarantee or subsidy, but the weight of an opinion depends on the experience of the party who forms it, and it so happens that while France—so much the better for her—is almost without experience in the matter of guarantees, our experience, on the contrary, has been enormous, and we ought to have bestowed the benefit of it on our ally. After all, however, that excuse has nothing in it whatever. Let us look for a moment to the Greek loan of 1832. In 1832, the credit of France relatively to that of England was no better than now, and the credit of Russia was still worse; yet the Greek treaty was so framed, that no question which could wound national feeling was raised by it. There were three parties to the loan then made — England, France, and Russia—and the utmost pains were taken that the payments by Greece should be *bonâ fide,* those payments being absolutely made a first charge on the Greek revenue, from which not a farthing was to be paid for any purpose till the demand arising out of the loan was satisfied. But, notwithstanding, it was all perfectly worthless. The arrangement was, that the King of Greece was authorised to raise a sum of money, and that money he raised homogeneously—there were not three sums of money raised on three different credits, but one sum raised on the credit of Greece, backed by a threefold guarantee. The responsibilities of the three guaranteeing Powers were perfectly equal, and there was no question whatever of three different portions of stock into which the amount was divided. Now, this mode entails pecuniary sacrifice, no doubt, but I wish the House to bear in mind that I am at present talking of something more serious than pecuniary losses. I am looking at the political difficulties that are inseparably mixed up in the form of guarantee now proposed. When we have got before us the noble Viscount's own precedent in

1832, which undoubtedly entailed heavy pecuniary loss, but entailed nothing more, are we going to change that form of proceeding and to adopt a course which, while it will be equally disadvantageous in a pecuniary sense may also involve us in great pecuniary embarrassments. We cannot possibly say what questions may arise under a guarantee of this description; but suppose the war is over, and that the two Governments of France and England differ as to the ability of Turkey to pay; suppose that during the war Turkey is unable to pay, and that when the peace comes France thinks she is then able, but that England thinks she is not—who in such a case is to settle the question? In critical times, what danger to Europe may not grow out of this question? Suppose that both countries being called on to pay under this guarantee, one of them obtains from Turkey an equivalent, and the other does not—what heartburnings and quarrelling may arise out of the circumstance! Suppose Turkey does not pay, and one of the guaranteeing Powers is disposed to recover from her—it is extremely doubtful whether, under the present form of the instrument, either France or England could proceed singly against her. Suppose that England wants to recover, I want to know, will she have a right to distrain upon Turkey? And if Turkey says, the interest is guaranteed by France, are we, in such a case, to distrain upon France? Why should we involve ourselves in the possibility of questions like these, and depart, for no conceivable object, from the line of precedent, the line of economy, and the line of common sense laid down by my noble Friend in the case of the Greek loan in 1832, in that skilfully devised treaty by which the three guaranteeing Powers were placed on an equality, avoiding all political embarrassment? During the present year we have, in the case of Sardinia, carried out a loan, but, in that instance, the people of England could not be deceived; they know the worst that can happen, because the money paid to Sardinia is raised in England, being paid out of the Ways and Means of the year, just as ordinary expenditure. That is a *bonâ fide* loan, which the position and circumstances of Sardinia well warranted, and could not, like the arrangement now before us, deceive or delude the people, because we paid the money, and because it involves none of those political dangers that form the greatest objection to the present loan. I feel bound to say to my right hon. Friend, that I am greatly surprised to find that no security is taken for the right application of the money. We know the state of things in Turkey; we know perfectly well that all the local instruments of Government in that country are corrupt. Have you taken any security for the right application of this money? No. My noble Friend says, he does not anticipate any difficulty on that score. I am glad he does not anticipate any difficulty; but I should like to have something rather more solid than his anticipations in a matter of such deep importance, for his anticipations have not always proved correct. Why is there not a provision in the treaty establishing, on the part of the English and French Governments, a control over the expenditure of the money? How ridiculous shall we appear if we inflict a charge on the people of England, and find that it has gone to fatten the corrupt agents of a weak and uncertain Government? The French Government, it is quite evident, have already felt the defectiveness of the instrument in this respect, because in the *Moniteur* it has been stated that the Report presented by the Legislative Body represented that the right application of the loan was secured by the preamble of the treaty. Perhaps Her Majesty's Government will point out the passage in the preamble of the treaty which enables the English and French Governments effectually to control the application of the loan. The words used are of the largest and most general kind, and the objects of the loan are described to be to provide for the vigorous prosecution of the war. It has been said that it is the prerogative of the Crown, and not the function of the House of Commons, to form treaties of this kind. That is perfectly true. I agree that we have nothing to do with the formation of these treaties. We cannot propose Amendments or take a middle course. We must either become fully responsible for setting a precedent, of which Mr. Pitt and the men of his generation would have been ashamed, or face the difficulty and agree to the Resolution. It is the prerogative of the Crown, under the advice of the Ministers, to determine the terms of these conventions, but I am not to be told that the functions of this House, with regard to entailing charges upon the people, are to be set at nought by that doctrine of prerogative. The terms of the Convention contemplate the exercise of free discretion on the part of the House of Commons; and as they leave you the exercise of that free discretion, they leave you charged with a full responsibility. You can escape from no part of that responsibility, and I think we have no choice before us, except to go along with the hon. Gentleman near me in saying "No" to this Resolution, and to leave it to the Government to modify the terms of the Convention in such a manner as will enable them to submit to us a more rational and satisfactory arrangement, or to charge ourselves with a responsibility to the people of England in which I, for one, am determined to bear no part.

VISCOUNT PALMERSTON: Sir, the tendency of the concluding and impassioned part of the oration of the right hon. Gentleman was to represent that the Chancellor of the Exchequer intimated that the Crown has some power independent of this House to contract engagements which the House is bound to ratify. My right hon. Friend the Chancellor of the Exchequer made no such representation. He stated, in answer to a complaint that the House had not been consulted beforehand by the Crown as to the engagements into which the Crown was entering, that according to precedent and the principles of the Constitution, the Crown should judge of the engagements into which it might think fit to enter; that if those engagements required—as all engagements connected with money must do—the sanction of this House, such engagements should distinctly and specifically be made contingent upon the approval of the House; but that it is not for the Crown to come down and ask the opinion of the House as to the engagements into which it shall enter by negotiation with any foreign Power. Such engagements are to be determined upon by the responsible advisers of the Crown, and in the present instance I think Her Majesty's Government have acted entirely in accordance with the precedents that have been adopted in every similar case, and perfectly in accordance with the principles of the constitution. Let the Committee for a moment go into the real foundation of this Convention. Does anybody really doubt that the Turkish Government is in absolute want of pecuniary resources to enable it to carry on the war? Does any man who thinks the war ought to be carried on with vigour doubt that it would be a great misfortune and a great impediment to its success, if Turkey were from want of means reduced to a state of inability to keep its army together, to co-operate with the armies of England and France? If, then, it is essential to the success of our operations that the Turkish army should be paid, fed, armed, clothed, equipped, and kept fit for action, and if it is impossible that these objects can be accomplished unless Turkey obtains means beyond those which are furnished by her ordinary revenue, the question arises—how are these additional resources to be obtained? Is Turkey to obtain them by going into the market and negotiating upon her own credit? Or is it advisable that her allies should step in and assist her with their superior credit to raise money? We ought to adopt the means most likely to accomplish our object effectually. The hon. Member for Stoke (Mr. Ricardo), said that last year Turkey was able to obtain a loan, certainly not upon very advantageous terms, but as advantageous as those upon which Spain, and Portugal, and the little state of Sardinia were enabled to raise loans. I have no doubt that if Turkey went singly into the market she would upon some terms obtain a loan, but our object is to render her resources as efficient as possible for the purposes of the common cause in which we are engaged. If it is demonstrated that Turkey, going into the market alone, would not get the amount of assistance she requires upon terms equally as good as those on which she would obtain it if she were assisted by the credit of England and France, surely the interest we have in rendering her means as effective as they can be made should induce us to step in and assist her in obtaining those pecuniary means which her exigencies require. I do not think that the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) differs from me much upon any one of these preliminary positions. He says that, although he may entertain different opinions from those which I hold as to the terms upon which peace may be obtained, or as to the expediency of carrying on the war in the way in which it is now conducted, he agrees that if the war is to be carried on it must be carried on vigorously and effectively. Surely the right hon. Gentleman will not deny that without money war cannot be carried on vigorously and effectively. The difference between us seems to me to be simply this—that my right hon. Friend would go further than I should go, and further than the propositions of the Government go, in imposing additional burdens upon the people of this country. His argument is that a guarantee is an inexpedient thing. He says that we ought to imitate the conduct of Mr. Pitt, who, having failed in his arrangement for a guarantee for Austria, on all future occasions, when it was necessary to afford assistance to foreign Governments, boldly and manfully proposed that we should directly pay the money in the shape of a subsidy to the Power we desired to assist. Now, our opinion is, that if assistance is to be given to Turkey—and we think it necessary that such assistance should be given—it should be afforded in the manner in which it may be most useful to Turkey, and least burdensome to this country. The Turkish Government would probably have been much more thankful to us if we had adopted the method which my right hon. Friend seems to prefer, and had simply given her a subsidy equal in amount to the loan which it is proposed to raise. It appeared to Her Majesty's Government, however, that the aid which Turkey required could be best afforded to her by an engagement which, we trust, will not be attended with any actual burden to this country, and which if it were to be attended with such burden at a future period, would involve a burden less considerable and less certain than that which would arise from granting to the Turkish Government an immediate subsidy of the same amount. With respect to the amount proposed to be guaranteed, if it is conceded by my right hon. Friend that the Government of Sardinia was unable to send 15,000 troops to the seat of war without being assisted to the amount of 1,000,000*l.* a year, can it be thought unreasonable that Turkey, which is carrying on a war with armies of infinitely larger numbers, in Asia, in Europe, and in the Crimea—should require 5,000,000*l.*, instead of the 1,000,000*l.* which the Sardinian Government found it necessary to obtain to support a much more limited force? In the case of Sardinia an advance of money was made in the shape of a *bonâ fide* loan; but in the present instance no advance of money is required on the part of England—all that England and France are required to do is to give their security as a guarantee, in the event of Turkey not paying the interest and maintaining the sinking fund. The right hon. Gentleman seems to think that there are strong objections to this arrangement with regard to diplomatic and international considerations, and to prefer such an arrangement as was made in the case of the Greek loan to that now proposed. I confess I think he is not altogether right in his opinion upon that subject. In the case of the Greek loan, each party guaranteed a separate part of the aggregate loan. In the present instance both parties guarantee jointly and separately the whole. My right hon. Friend seems to think that this method is more likely to cause inconvenient questions to arise between the guaranteeing Powers than the course which was adopted in the former case. But I will tell my right hon. Friend what happened in the case of Greece. Greece did not pay. We wanted to enforce payment, and the natural course would have been for England (or France or Russia, whichever Power wished to enforce payment) to say to Greece, "You are our debtor; we have been compelled to pay the interest of one-third of the loan; you have not paid it; you have broken your engagements; you must make good those engagements, or we shall resort to the means to which nations have recourse to enforce engagements which are not fulfilled." Our course was to urge upon Greece, by representations, and the threat of stronger measures, if necessary, the observance of her engagements. What happened? Why, Russia and France said —"We do not agree with you; we look with more indulgence on the pleas which Greece puts forward as excuses for not making payment. If you enforce the payment of the interest and sinking fund on your part of the loan, you, to that extent, diminish the power of Greece to pay us our respective portions of that interest and sinking fund; you will, therefore, be doing us an injury, and we protest against your proceeding alone; you must abstain from urging your demand on your portion, unless you consent also to urge ours." But if it had been a joint and separate guarantee that question could not have arisen; because whichever Power had undertaken payment of the whole, it would have been entitled to enforce payment of the whole on the debtor; and the other parties could not have pleaded, as France and Russia did, that by exacting payment of one portion you diminished the means by which the debtor could make good the payment to the other parties. Therefore, if you consider the question simply as regards international inconveniences, I am inclined to think the present arrangement is less open to questions of international difficulties than such a separate and distinct arrangement as was adopted in the case of Greece. My right hon. Friend says (and in that I perfectly agree with him) that it is essential security should be taken for the proper application of the money which we assist Turkey in raising; and my right hon. Friend thinks that provision ought to have been part of the treaty. It might, perhaps, have been made part of the treaty if both Governments had been disposed to take advantage of the necessities of Turkey, and to insert in an international convention those conditions which would be wounding to the proper self-respect of Turkey. Those conditions were not inserted, but they will form part of a separate engagement between Turkey and the Governments of England and France, which is now in progress of negotiation and will shortly be completed. Her Majesty's Government think that by establishing a Turkish and French and English Commission, through whose hands shall pass all the moneys which are issued out of the proceeds of the loan, and who shall be charged with seeing the sums applied to the military purposes for which the loan is raised—we think such an arrangement as that (which will shortly be completed and submitted to the House) will be sufficient for the purpose which has been very properly pointed out by my right hon. Friend. An objection is taken to the arrangement by which a great portion of these transactions are conducted in England. But there is this obvious advantage in that arrangement. We wish to secure to Turkey as much as possible of the loan, and I am sure no one can understand better than my right hon. Friend that the circumstance of these transactions taking place in England, instead of in England and in France, will save many expenses, commission, and charges of that kind, which go to diminish the produce of the loan which it is the object of the Convention to raise. It therefore appears to me that the objections of my right hon. Friend only amount to this—that he would prefer a direct loan to Turkey of this 5,000,000*l.* to this guarantee. No doubt, in the case of a loan you would know exactly what you had to pay; but I should prefer not having to pay at once the whole amount intended by this loan to be raised. The advantage of the arrangement which this treaty proposes is this—that Turkey gets an immediate advance, and England and France are exempt from the burden—they are exempt, at all events, from the burden immediately; and if those anticipations which I think we are perfectly justified in forming are realised, and Turkey pays, our obligation will not arise, and we shall then have afforded Turkey aid in carrying on her operations without the burden of a charge which a loan would necessarily and immediately entail.

MR. DISRAELI: Sir, I remember a little time ago, when the Sardinian loan was proposed, I stated my opinion that it was expedient that the attention of the House of Commons should be called to the first step in advancing to foreign Powers sums of money, either by way of loan or subsidy. I am not prepared to say that it would have been politic on that occasion to oppose the measure which Ministers brought forward, because peculiar circumstances recommended it to the consideration of the House, and it was as little objectionable in its nature as a transaction of this kind can be. But, as the first step in making advances to foreign Powers, I thought the proposal deserved graver and greater consideration than it received. We have before us now a much larger proposition, in form very different, and accompanied with circumstances which should make the House pause before it agrees to the Resolution which is in the hands of the Chairman. The noble Lord, in his second speech, in answer to the right hon. Gentleman the Member for the University (Mr. Gladstone), has dealt very much upon this point, that this is not a subsidy but a *bonâ fide* loan, and he has recommended it to the favour of the House, because, whatever may be the consequences of the engagement, the immediate burden will not be felt by this country. But I make no difference in a country like England between national credit and national capital. If England guarantees the interest of a loan, I cannot, under any circumstances, admit that in our financial arrangements we can consider that to be a liability which we shall not be called upon to meet. If the security offered by Turkey were as favourable as the noble Lord described it, I agree with the hon. Member for Stoke that Turkey would not be an unsuccessful solicitor for aid in the market through those channels which always supply States in such a position. But I look with great incredulity on the description which the noble Lord has given of the resources of the Turkish Government. The noble Lord said he had no difficulty in stating to the House his opinion that Turkey would be able to fulfil her engagements under this Convention, and that she would pay the interest and sinking fund which would be required if this financial operation were completed under the security of England and France. The noble Lord did not hesitate in giving his conclusions to the House, and he touched the resources of Turkey with that warmth of colouring I have sometimes seen in the prospectuses of Joint-stock Companies. But what were the anticipations of the noble Lord on a similar occasion to which he and others have referred, namely, on the occasion of the Greak loan in 1832?—because, to estimate the value of the noble Lord's opinion, it is fair to refer to his opinion on a similar occasion, when in a position of equal responsibility, and when he recommended a case of the same kind to the consideration and sanction of Parliament. With reference to the Greek loan, on the 8th of August, 1832, the noble Lord, after premising that the three Powers guaranteed a loan of 60,000,000 francs, divided into three portions, proceeded to say—

> "When he was required to state the amount of the Greek revenue, he begged to say, that when the Chancellor of the Exchequer, whoever he might be, was called upon to anticipate the amount of revenue of this country even for one year only, he always expressed, with some degree of hesitation and doubt, his anticipations of the next year's income; and to call, therefore, upon him to act the part of the Chancellor of the Exchequer for Greece, and to anticipate what would be the revenue of that country, not for the next year only, but for the next six years, was to require him to undertake a task somewhat difficult, and one which, with all deference, he must decline, seeing that the ablest financiers could not perform it in the best regulated States. His firm conviction, however, was, that the revenue of Greece, under a stable Government, would be amply sufficient to meet the demands upon it, and, he believed, that the whole of the loan would not ultimately be required to be raised." [3 *Hansard*, xiv. 1267.]

That was the opinion of the noble Lord when he recommended us to give the sanction of Parliament to a transaction of a similar kind to that now before us. The noble Lord has given us an equally favourable opinion of the resources of Turkey. But, remembering the description he gave in 1832 of the resources of Greece, preliminary to the loan being granted, let us just look at the last item of the finance accounts for the year ending the 5th of January, 1855, p. 7, where we find "Payment for interest and sinking fund on the Greek loan 47,637*l.* 1*s.* 2*d.*" Therefore, if we are to be guided by the past, it would be most imprudent to conclude that we shall not incur the same liability as we have incurred in the case of Greece, and we must be prepared to see in our finance accounts a portion of the public treasure, raised by taxes from the labour of the people of this country, set aside for the interest and sinking fund of the Turkish loan. I do not wish for a moment to contend that that is any reason why we should not, if it be necessary for the interests of England, come forward to assist Turkey; I do not want now to enter upon that question; but I do say, it is most important that at the beginning we should have a clear idea of the arrangements entered into, the liabilities we are incurring, and also a conviction that we shall be called upon to redeem them. Therefore I look upon the proposed guarantee in this case as not merely an engagement to fulfil, but as one which we shall certainly be called upan to fulfil. Such I believe to be, not only a prudent, but the inevitable conclusion at which we must arrive. Before you enter upon an engagement of this kind, you are bound to prove the necessity of the policy which you recommend. Now, we really have not before us any circumstances which convey to my mind any necessity for such a plan. The noble Lord says, everybody knows that Turkey is called upon to make great exertions, and that she is not able to meet the expenditure which such exertions entail. But everybody knows that we have not the information before us which justifies such an appeal from the noble Lord. We ought to have some definite details on the subject before entering into engagements of this kind. Where is the line to be drawn? The noble Lord now recommends us to guarantee interest upon a loan of 5,000,000*l.*; but, upon his plea, I do not see why it should not be 10,000,000*l.* We have no data upon which to form an estimate of the amount of expenditure, or of the particular objects for which that expenditure is to be incurred. We have, indeed, a right to assume that the expenditure may be much more considerable, if it is to be for the objects which the noble Lord has vaguely referred to—I mean, military objects. Therefore, under the circumstances, I think the House should pause and consider whether they are not entering upon a system the beginning of which, perhaps, is only in this Session, but the end of which may be far distant, and the result of which may be a great increase, not only of the liabilities of the country, but even of the burdens which we are called upon ourselves to bear. If we are to assist Turkey—if it be our interest to maintain the power of Turkey, it would be well for the Committee to consider whether it would not be wise, if we are to incur this expenditure, to do so under our own control and from our own resources. This arrangement will commence a system which, whether it be in the shape of loan or subsidy, is, in fact, an advance from the public treasury of this country, which, in all probability, will not be repaid. I demur also to the policy of this measure on the very grounds which have been put forward by the noble Lord as its chief justification. The noble Lord described the system as one most useful to Turkey, and least burdensome to England. But I object to those captivating terms, as tending to divert the attention of the Committee from the real question before it, and I deny that it is less burdensome to England than any other plan. It is raising money upon the credit of England for the service of Turkey, and it must not be thought that the Government have devised some peculiar mode by which Turkey can be assisted, and which will be less burdensome than any other to this country. On the contrary, there is only one mode by which the credit of this country can be exercised, and, whether the money raised be given to Turkey or employed for the benefit of England, we have to pay the same rate of interest, and we incur the same liability of repayment. The Committee must consider what is the only question, so far as this portion of the subject is concerned—it is whether we shall, by the exercise of our credit, in fact advance capital for the advantage of Turkey? The noble Lord tells us objections have been made to the nature of the guarantee. It is proposed to give, with France, a joint guarantee for the whole interest upon this sum of 5,000,000*l.* In this respect the present Convention differs from the arrangement entered upon in 1832 as to the Greek loan. The noble Lord will correct me if I err, but I believe the proposition as to the guarantee of the Greek loan was originally made in the form now recommended by the noble Lord. The original proposition was, that there should be a joint guarantee of the three Powers for the whole sum. That was very wisely opposed by the noble Lord, then a Secretary of State, and I believe that within two years after that time there arose, with respect to France, circumstances which would have rendered a joint guarantee at that time in the highest degree embarrassing to this country. But the noble Lord very wisely upon that occasion took care there should not be a joint guarantee, but that the security should be apportioned between the three guaranteeing Powers. Now, the noble Lord seems to wish to maintain that the scheme of a joint guarantee is preferable to that which he preferred in 1832; but, certainly, it appears to me that an apportioned separate guarantee is, and must necessarily be, a much more simple form, than the joint guarantee which is now proposed. A separate guarantee must lead to fewer complications than a joint guarantee; and yet what occurred in 1836? Why, the noble Lord was obliged to come to the House—this country being then only burdened with its own separate guarantee—and to say that, in consequence of certain circumstances, which had induced Russia to be no longer willing to guarantee her own portion of the Greek loan, he was obliged to come to Parliament and ask for fresh powers to enable England to fulfil her engagements. I think I am not erring in this. In July, 1836, the noble Lord brought in a Bill to amend the Act of the 2nd and 3rd of William the IV., chapter 131, relating to the Greek loan; and on that occasion the noble Lord said that the Government of this country originally refused to guarantee its part of the loan unless Russia and France guaranteed their portions of it; and he then stated that France had guaranteed her portion, but that Russia had objected to guarantee her portion of it, and that the object of the Bill he then introduced was to enable the Government of this country to guarantee the remainder of the loan, which Russia had refused to do. The noble Lord was thus obliged, in 1836, to bring in a Bill to enable him to fulfil the engagement which this country had entered into in 1832, although that engagement was not a joint, but a separate guarantee. What would have been the situation of the noble Lord if he had had to deal with a joint guarantee? Suppose France and Russia, in 1836, had both refused to fulfil their joint guarantee, and had not paid their portion of the interest? The noble Lord would have been obliged to pay the interest upon the whole loan. Yet this was in the case of a guarantee which had been cautiously given, and in a manner which did credit to the noble Lord's discrimination. Under these circumstances, therefore, the noble Lord will pardon me if I look at the proposition which he has now made—that of entering into a joint guarantee—not only with suspicion, but with great alarm. If a separate guarantee was attended with such complications and difficulties, and if it required all the ability and energy of the noble Lord to effect an arrangement at that time, what may not be the consequence of our entering into this engagement for a joint guarantee with our present ally? It is because I highly estimate the value of our alliance with France that I am anxious to keep it as clear as possible from all financial engagements. The noble Lord has acknowledged the possibility of a misunderstanding with an ally under such circumstances. Why should we go out of our way to enter into an engagement pregnant with so much political difficulty and danger, with the precedent which we have before us which the noble Lord himself fashioned and told them was likely to meet all difficulties? Irrespective of my objection, therefore, to the original scheme, of coming forward to do what is called assisting Turkey, by using the credit, that is the capital, of England in a manner so crude—for, without any detail of circumstances to justify it, such an advance to Turkey appears to me to be a crude proposal—I say, irrespective of this objection, I have another objection to the form which the noble Lord has recommended us to adopt. The noble Lord says that an arrangement will be made by which we shall have a control over the financial operation of Turkey, which will secure to us the application as well as the interest of the loan and the sum to be paid towards a sinking fund. Commissioners are to be appointed in various parts of the Turkish Empire, who, I suppose, are to be receivers general of the revenue. This is an arrangement pregnant with political difficulties and danger.

VISCOUNT PALMERSTON: They are not to be receivers general of the revenue; they are to see to the appropriation of the loan.

MR. DISRAELI: Then I think the noble Lord has entered into an arrangement infinitely more to be deprecated. What will happen, if we are not only to supply the funds but also to distribute and expend them? There will be perpetual quarrels as to the mode in which the money has been expended, and when Turkey is called upon to pay the interest, she will always have the opportunity of excusing herself by alleging that either she has not received the money or that it has not been expended for her benefit. Similar reasons for non-payment have been urged by some of the American States. Those States have alleged that the loans they were required to repay were negotiated in so expensive a manner that they did not receive more than a moiety, or two-thirds of the money, and therefore they refused to pay any portion whatever of their debt. I am altogether opposed to making these advances to States placed in the position in which Turkey stands; but if you are to make advances to Turkey let them be *bonâ fide* advances, and let the money be paid into the hands of Turkey herself. There may be frauds and bad management in the application of the funds; but then it would be applied by the hands of Turkey and she cannot complain; but if you insist upon having the money expended by Commissioners, you will furnish your debtor with a plausible plea for not paying either the interest or the debt itself. I hope, however, the Committee will pause before they agree to this Resolution. This is the second advance we have been asked to make to a foreign Power during the present Session; and if you sanction this advance on insufficient security, I see no reason why you may not expect to be called upon to advance a much larger sum in a very short time. The description which the noble Lord has given of the destitution of Turkey, though vague, is nevertheless so alarming that, if you sanction this advance, there is no reason to doubt its being made a precedent for still larger demands at some future day. My opinion, therefore, is, that this is a measure which the Committee ought not to sanction. If the Government can show that there are specific objects to be attained which make it necessary that we should assist Turkey, it will then be for the House to consider whether those objects could not be better obtained by our more directly expending the money required than by paying it into the hands of Turkey. But the truth is, we are entirely at sea on this subject. Her Majesty's Ministers have given us no details; and we do not know whether 5,000,000*l.* or 10,000,000*l.* will be sufficient to effect the object which is in the mind of the Minister. This, however, we know, that by agreeing to this Resolution we shall be establishing a precedent which will, in my mind, have the most injurious effect upon the finances of this country. All this is irrespective of the political consequences which may result from this loan. The right hon. Gentleman the Chancellor of the Exchequer seemed to be surprised that an hon. Gentleman on this side the House (Sir H. Willoughby) should complain of the circumstance that, at the end of the Session, after the House has voted a larger sum of money than has been granted for the last forty years, it should be announced that we are again to be called upon to go into a Committee of Ways and Means. I do not think that we ought to have waited to be told, in answer to an inquiry by the hon. Baronet the Member for Evesham (Sir H. Willoughby) at the end of July, that considerable Supplementary Estimates were to be placed on the table. I think, with the hon. Member for Stoke, that that notification ought to have been made to the House in a more formal manner—that the Chancellor of the Exchequer ought to have come down to the House and informed it of the circumstance, and not that he should have stated it in answer to a question in so low a tone of voice that considerable doubt prevailed respecting the nature of the answer—so much, indeed, that I was obliged myself to rise and repeat the question in order to clear up that doubt. It is impossible to shut our eyes to the serious state of our finances, great as may be the resources of this country. No doubt the country is prepared to make great sacrifices, and the Government will not appeal in vain to the country to support them, provided the country should have a precise idea of the object for which the public money is to be expended. But what precise conception have we as to how the money to be given to Turkey is to be expended. I myself cannot make any distinction between 5,000,000*l.* to be raised on the credit of England for this or for any other purpose, and when we come to consider the general finances of the country, it renders all estimates impossible and all calculations complex. I think, therefore, it will be well that the House should not sanction this Resolution. Let Her Majesty's Ministers reconsider the whole of the question and place before us a clear idea of our financial position, and let them devise some mode of assisting Turkey more effective than by sending English capital to that country instead of employing it in English hands for the vigorous prosecution of the war in order to establish Turkey as a real and effective barrier to Russia.

SIR DE LACY EVANS said, he was not surprised at the kind of negative reception which the proposition of the Government had met with; yet he should be sorry if the House were to throw any decided obstacle in the way of affording assistance to Turkey in some mode or other. The right hon. Gentleman (Mr. Gladstone) seemed to think it would be better to make this advance to Turkey without retaining any control in our own hands. He entirely differed from the right hon. Gentleman in that respect. He should never consent to give this money into the hands of such a Government as they knew that of Turkey to be without retaining in our own hands an efficient control over the expenditure. But what he complained of was, and what the House had a right to complain of was, that they were called on to vote the large sum of 5,000,000*l.* without an assurance from Turkey that she would accept the conditions and control which were to accompany the loan. The noble Lord said, indeed, that he believed the Turkish Government would agree to the arrangements for the disposal of the money; but he did not think the noble Lord's belief was justification enough for them to vote 5,000,000*l.* of money. He did not think that the case of the Greek loan was in point, because there were three parties—namely, England, France, and Russia, parties to that loan; and one of them—Russia—had interests at variance with the other two. But in the present case there were but two parties—France and England; and he believed that France had the same interest with England in the matter. No doubt there was a lavish expenditure of money towards the close of the last war, but he believed that the loans to Russia, Austria, and Spain, had mainly contributed to the termination of the war, and to secure a forty years' peace. The noble Lord was, in his opinion, liable to the charge of not setting forth sufficient grounds for proposing this advance. He begged leave to state, from what he knew of Turkey, some grounds why it was desirable to sustain her in her present difficulties. The Turkish Government had 250,000 men in arms at the present moment, which was a great drain upon the resources of the country. Of these, there were between 50,000 and 60,000 in the Crimea, well supplied with artillery and some cavalry. To those who knew Turkey, it was a matter of astonishment how she sustained her army on the Danube and in the Crimea, besides her army, however imperfectly supplied, in Asia Minor. Under these circumstances, it was quite clear that whatever defects might exist in the financial system of Turkey, she had absolutely maintained her army. He had seen her troops, and they were well armed, well clad, and tolerably well fed. That was a proof that there was no such extreme derangement in the Ottoman finances as was alleged; and her army, so far from deteriorating, was improving. He should be sorry if any absolute obstacle were thrown in the way of the Government with regard to this proposition; but it was important to secure that the money should be well applied. We all knew that there was a great deal of corruption in Turkey, and he thought that if we were called upon to guarantee her a loan, a strict arrangement should be entered into with regard to the manner in which it was to be spent. He thought, for instance, it would be well to stipulate that some of it should be applied to the purposes of the 20,000 men who were being embodied under General Vivian, and the 4,000 cavalry who were to be enrolled by this country under General Beatson. He thought also it would be well if they were to increase their pay a trifle above what they would receive in the Turkish service. He thought some delay ought to take place in the further progress of this proposal.

Mr. LAING felt very strongly that they ought not to sanction any measure of this description, involving, as it did, a fresh liability, until they had had some opportunity of discussing the principles, the policy, and the objects of the war; and until a clear understanding was come to respecting the objects for which the money was wanted. Since the debate raised by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), which had taken place not only in ignorance but under a complete misapprehension of the facts of the case, the correspondence relating to the Conferences at Vienna had been laid upon the table, and the House found themselves in the position of having broken off the negotiations contrary to the expressed opinions of the whole of the eminent statesmen who represented the four allied Powers. He would, however, abstain from the general question of the war, because he thought that upon the present occasion they ought rather to confine themselves to the merits of this as a financial measure, supposing that its object was a good one. Now, the objections which had been urged against the system of guarantees seemed to him to have a great and overwhelming force. Those objects divided themselves into two classes, financial and political. Financially, there was the same fatal facility about raising money in this way that there was in raising money by putting one's name to bits of stamped paper. They were told that the liabilities the country would incur would be absolutely nothing, whereas the assistance to Turkey would be very great. But that was a complete fallacy. The national credit, great as it was, was nevertheless an exhaustible quantity, and the more they drew upon it for foreign loans and guarantees the less they would leave for other purposes. Besides, look at the effect it would have upon the price of the public funds. Those funds amounted in round numbers to 700,000,000*l.*, and if by entering into a system of unlimited guarantees they reduced prices only one per cent, the country would at once incur a loss of 7,000,000*l.*, and the national credit would also be shaken to that extent. Besides, by bringing into the market a floating quantity of stock equally eligible for investment they would render less favourable the terms on which the country could hereafter contract loans for its own purposes. With respect to the political objections to the system of guarantees, he need not enter at any length upon that subject after the forcible manner in which it had been dealt with by his right hon. Friend the Member for the University of Oxford. What was the proposed object of the war? It was to secure the independence of Turkey; but a loan so guaranteed, so secured, and so administered, was really a measure for securing the dependence of Turkey, and was only suited for the circumstances of a small and subordinate kingdom like Greece. There would be no objection to a loan for such an object as the cutting of a canal through the Isthmus of Suez, because in such a matter it would be desirable to obtain a perpetual right of interference; but in the present instance the case was just the reverse. Indeed, they ought to add to the Four Points a fifth, to the effect that Russia should never guarantee a loan to Turkey, for by that means she would acquire the right of meddling with her concerns. The political objection involved in the chance it might bring of a quarrel with our associate had already been dwelt upon. But did they not all know in private life that if they wanted to remain on particularly good terms with any one, how desirable it was that there should be no pecuniary transactions between them? Suppose that Turkey should make default, the creditor would naturally come to the Bank of England in the first instance; and we after paying the demand of the creditor should go in our turn to France; but France might tell us that, It is your own fault; you ought to have put a pressure upon Turkey, and it is through your *laches* that the money is not paid. Supposing, again, that France and England had to pay arrears of interest, France might say to Turkey that she must have something for her money—some island in the Mediterranean, or the Egyptian tribute. He thought it was his duty therefore, as a representative of the people, however much he was disposed for a vigorous prosecution of the war for clear and definite objects to vote against the Motion in its present form.

Mr. COBDEN: It is not my intention to enlarge upon the financial question which has been so ably dealt with by the hon. Gentlemen who have preceded me, but I must take the opportunity to make one or two remarks upon the illustration afforded by the proposition of the Government of the tendency to interfere in the internal affairs of Turkey, which I have from the first foreseen would be a consequence of this war. It is not the war with Russia which has brought Turkey to such a state that she requires a loan. I have not seen that she has made any such vast and costly efforts for the defence of her territory as to involve a great State in financial ruin, and less than twelve months ago the noble Lord at the head of the Government repeated his assertion that Turkey had made more progress in internal improvements, both economical and commercial, and in religions liberty, during the last twenty years, than any other nation in Europe. But now what does the noble Lord tell us? He says, we must guarantee a loan of 5,000,000*l.* to Turkey to prevent her empire from falling to pieces.

Viscount PALMERSTON: I said, to prevent the Turkish army from falling to pieces.

Mr. COBDEN: The noble Lord now says the Turkish army; but I turned round to an hon. Gentleman near me and repeated the words the noble Lord used, in order to be sure that I had heard them correctly, and they referred in the first place to the Turkish Empire, and in the next place to the Turkish army. The noble Lord, at any rate, talked of the advance of this money being a matter of life and death to Turkey. In this matter, as in everything else, I believe the Government—especially the noble Lord—have either been grossly ignorant of what we were going to do from day to day, or else have not dealt frankly with the House, and given us the full benefit of their own knowledge; because if what the noble Lord said twelve months ago were true, Turkey cannot by this time have brought herself to the forlorn and humiliating position in which the noble Lord now says she is placed. But what are we to think of the policy of the Government, in continuing this war for the preservation of Turkey, if it has in one short twelve months brought her to that position? I will not enter into a discussion as to the war itself, for that subject is to be brought forward again, but this much I may say—it is known to us all that the war has within the last two months, since the Vienna Conferences, been renewed at the instance of our own Government. After the revelations of *The Times* newspaper, evidently obtained from the Emperor of the French himself, or from M. Drouyn de Lhuys—for no one but he or the Emperor can have furnished the information which has been given with respect to conversations and interviews that passed between them—even the hours of the day at which they occurred being mentioned—there can be no doubt that the renewal of the war is the work of the noble Lord at the head of the Government. I have challenged the noble Lord upon this subject, both publicly and privately, within the last two months, and we must now be satisfied that the war has been renewed by him in opposition to the Plenipotentiary of France, to his own Plenipotentiary, and even to the Plenipotentiary of Turkey, who was one of the most eminent statesmen of that country, now not very fruitful of great men. We are, therefore, carrying on a war for the preservation of Turkey against her own wish, and in endeavouring to preserve her independence we have brought her to such a desperate condition that she will fall to pieces if we do not guarantee this loan.

Mark the humiliations, the degradation to which we have brought the great empire whose integrity and independence we are defending. The hon. and gallant Member near me (Sir De Lacy Evans), who marshals his squadrons much better than he does his arguments, told us that the Turkish Government ought not to be trusted with the distribution of the money which is to be advanced, and then went on to urge that Turkey had administered her own resources with much advantage. I will take the hon. and gallant Member's facts, where he tells us the character of the Turkish Government, and leave alone his logic. But what has the noble Lord done? Having told us what a progressive Government that is, he now tells us that it is not to be allowed to distribute the money we are to advance, but that the expenditure of that money is to be superintended by a commission of one English, one Turkish, and one French officer. Was ever any empire, whose independence it was desired to preserve, subjected to such degradation? How will this plan practically work? Are these three Commissioners, or their agents, to act as paymasters to the Turkish army? We all know that at the head of every Turkish regiment there is a man who plunders it. Do you intend to pay money to the colonel of each regiment, who of course would pocket one-half of it, or to send some one to the interior of Asia Minor and to the banks of the Danube to see that every soldier puts the piastres into his pocket? Every one must see that the scheme is altogether impracticable. The argument of the right hon. Gentleman the Member for Buckinghamshire is a very good one, that if you force the Turkish Government to allow you to distribute this money they will one day tell you that you have wasted the money, and they are not responsible for what you have done. Is the policy of our Government calculated to amend the deplorable condition of Turkey? Already, to carry out your policy she has mortgaged two-thirds of the revenue of Egypt, and she is now asked to mortgage the other one-third, besides giving a lien upon the Customs of Syria and Smyrna. How will this carry out your avowed object of the restoration of the prosperity of Turkey? By withdrawing such large sources of revenue from the empire in its present embarrassed state you will immensely increase the difficulties by which it will be beset in the course of another year. Is this 5,000,000*l.* all that will be wanted if you take into your hands the restoration of Turkey? The truest description that can be given of the Turkish Empire is, that there is practically no government where the Turkish Government still holds the supreme authority. There is some government in Egypt and there is a tolerable administration in Servia, in Wallachia, and in Moldavia, because these places are to a great extent separated from Turkey. Wherever you have had any other authority—even in Syria—you have had something like order and government preserved; but in Asia Minor, and those provinces where the authority of Turkey reigns supreme, I challenge contradiction, that practically there is no Government at all. And that is the country which you hope to benefit by carrying on this war! If one year of the war has produced such disastrous consequences to Turkey, what will be the effect of carrying out the threat of the right hon. Baronet the Member for Southwark (Sir W. Molesworth) and continuing it for six years? One word with regard to the technical question before the Committee. If you are going to advance money to Turkey, any plan whatever would, I believe, be better than that which is now proposed. If you will interfere with the internal affairs of Turkey, it may be necessary to make an advance of money, because a want of money is the chronic symptom of disordered and worn-out Governments. If you must administer to that state of things to keep Turkey from falling to pieces, I say that any way would be better than that proposed. I say, avoid the complications which have been pointed out by those who have preceded me. Do not delude yourselves with the idea that you are lending money when you are giving it. You have no more chance of getting this money back from Turkey than if you threw it into the sewer; and, if you are going to advance money at all, I say, take the simple course of making her a present of it. Let France give her share, but do not complicate yourselves with any joint or separate guarantees. Depend upon it that the proceedings of to-night will be a great triumph for the Russian party. You admit that Turkey is a sick and dying man, and you have offered a greater insult to that country by to-night's proceedings than ever Menchikoff did by any of his notes. If you want to serve Turkey, the best thing you can do is to put an end to this war with Russia, and to address yourselves to the reconstitution of the Turkish Empire, giving it some form of Government, and putting it in the way of becoming a progressive and prosperous nation.

MR. WILKINSON said, that he thought that the best mode of guaranteeing the loan would have been a separate, and not a joint guarantee; but the question appeared to have resolved itself very much into a peace and war debate, and he had no doubt that every one of the peace-at-any-price party, as well as those who approved of the Austrian proposition, would be found in the lobby in opposition to the present Resolution. The object in view was to provide the best means of prosecuting the war, and whether those means were to be provided in the shape of men or money was a question for the Executive to determine. Looking at the question in a constitutional light, he could not take upon himself the responsibility of refusing the Government his support on the present occasion.

MR. CARDWELL: The Committee must have listened, I think, with surprise, to the observations which have just fallen from my hon. Friend the Member for Lambeth. We are about to consider the first of a series of measures in a course of downward precedents. The hon. Gentleman has an idea that those who support peace at any price will be found in the same lobby with those who support the proposition of my hon. Friend the Member for Stoke, and that seems to be a sufficient argument with him in favour of the present financial proposal, which he thinks ought to be left entirely in the hands of the Executive. In such matters as these we are in the hands of the Executive, and an inconvenience arises in this debate in consequence of our being so; because they have the prerogative of causing conventions to be entered into in the first instance; and that which is our duty as the representatives of the people, from which we cannot relieve ourselves, the responsibility of which we have to bear, and the duty of which we must discharge, does not arise, until already a step has been taken by the Crown which we are most reluctant, if possible to avoid it, to frustrate. But are we amenable in general to the charge of endeavouring to frustrate the intentions of the Executive? Has not Parliament sanctioned, up to this time, an expenditure of 90,000,000*l.*? Take all your annual expenditure of 1851, and for the purposes of this war you will find that we have already sanctioned by taxation as much more, and by loan, again, as much more; so that now, for the purposes of the war, apart from the expenditure for the debt, we have in round numbers trebled our expenditure of 1851. What is our duty, then, when we are called upon to enter into a new and untrodden path of expenditure? It is for us to ascertain whether it is a wise expenditure, whether it is calculated to attain the end in view, and to press as little as possible upon the already tried resources and sinews of the people. The hon. Member for Lambeth says that every Member of the peace party will be found in the lobby voting against the Resolution—in the same lobby ought to be found every Member of the war party who wishes the war to be carried on with vigour at the least expense to the public. What is the complaint which has been made against the Convention now on the table? We are obliged to accept that Convention in its integrity, or we must appeal to the Executive to get it amended; and, if we are not satisfied with it as it stands, our only power is to offer some opposition to the Bill which is founded upon it, in order that the Executive may revise and amend it. The objections which I take to the Convention I shall state with extreme brevity. They are three in number. First, I say that we are going to tax the people of this country for a large sum of money, over which we shall have no control, or an inadequate control. Then, we are told by the Government that a Convention hereafter is to be concluded, by which some security may possibly be afforded that the money they raised for the war will be actually expended for the war. Is that the way that we deal with our own money? We vote 90,000,000*l.*, but we vote it upon some Estimate; we have some responsible Minister through whose hands it is to pass, and we appropriate every shilling to the purpose for which it is intended. But this is money which we are giving to a foreign Government; but there is no security that the purpose for which it is expended will be the purpose of the war; we do not know that it will pass through incorrupt hands; we have reason rather to suspect that it will pass through corrupt hands; and we shall have no account and no security. The next objection is, that this is entirely a disguise and a deception. The history of all modern finance is the history of reckless expenditure under the disguise and cover of a loan; and this is an expenditure which we are going to entail upon ourselves without knowing whether we or our allies shall ever reap the benefit of it. The third objection is the political consequences which may be entailed upon us by the indebtedness which we are about to create, and the danger of occasioning a jealousy between ourselves and France in regard to almost every conceivable subject which can arise out of the multiform relations of the Turkish Empire. Among these are such questions as the trade of Smyrna—whether heavier or lighter custom duties shall be levied in the Levant, and a multiplicity of political questions, the complicated nature of which we cannot now conceive, but of which we know this, that every one which arises will be a source of trouble to ourselves, to Turkey when the peace is concluded, and also to France. When we speak of the shape of this assistance it is said, "Are you not content that this is to be a loan instead of a gift?" I am afraid there will be very little difference between the two cases of a gift or a loan to Turkey. We do not, however, say that this had better be a gift, but we say, "If 5,000,000*l.* are to be raised by two great empires, and we are to be one, let us make a present of 2,500,000*l.*, and let us have neither a pecuniary nor a political liability with regard to the other 2,500,000*l.*" The Chancellor of the Exchequer, in answer to a question which was put to him, said, "You imagine that we have guaranteed the principal, but we have only guaranteed the interest"—only guaranteed the interest of a perpetual annuity! I should like to know the difference between guaranteeing principal and interest and guaranteeing interminable annuity. The position in which the noble Lord at the head of the Government is placed is a very difficult one. At one moment, when anxious that this advance should be granted, he drew such a picture of the reduced condition of Turkey as scarcely any ally ever read in newspaper attributed to the Minister of an ally with whom he was engaged in war; but when he came to speak of the repayment of the loan, then he said Turkey had resources as yet unexpanded and minerals undeveloped. If Turkey could not expand her resources and develope her minerals before the war, is it likely that when the war has reduced her to the condition which it has now done, that she will be able to expand her resources and to develope her minerals? The true state of the case is this—Turkey is necessitous and reduced, and you want to give her assistance—and if you are compelled to do so, how can you furnish such assistance in the most economical manner? The argument against this proposition is not an argument of peace or war; it is an argument which, on the one hand, no friend of peace can conscientiously resist, for he can have no right to come and lay on the taxpayers a liability for five millions on account of any speculative opinions he may have on the subject; and, on the other hand, I contend that those who ought most carefully to watch the beginning of this descending series of precedents—who ought to be determined that every shilling shall be effectively, and not ineffectively, expended—who ought to bear in mind the examples of the last war and the difficulties which were entailed on the nation by subsidies and guarantees, and therefore those who ought most carefully to evade the dangerous quicksands of such a course are those who most desire the effective and vigorous prosecution of the war.

THE CHANCELLOR OF THE EXCHEQUER: I am desirous, before the Committee proceeds to a vote on the Resolution before it, to call attention to the position in which the country will be placed if this Resolution is not agreed to. A Convention has been entered into between Her Majesty, the Emperor of the French, and the Sultan, with respect to the contraction of this loan. In consequence of this engagement, the Emperor of the French and Her Majesty have each made recommendations to their respective legislative bodies, to carry into effect each part of the arrangement. The recommendations of the Emperor of the French preceded in point of time those of Her Majesty to her Parliament. The constitutional practice of this country has been to consider a treaty imperfect and not binding until the ratifications have been exchanged; and in obedience to this established practice, Her Majesty, after the treaty had been signed by the Secretary of State, did not lay it before Parliament until the ratifications had been exchanged at Constantinople. The Emperor of the French proceeded in a different manner. Shortly after the Convention had been signed, the Legislative Body of France being in session, the treaty was laid before them, accompanied with the report of the Council of State. It was taken into consideration by them, and a Commission of the Legislative Body was appointed. The report of the Commission was in favour of the proposition of the Government, and the guarantee has since been adopted by the Legislative Chamber. The Convention has now been brought under the consideration of the British House of Commons by the recommendation of Her Majesty, and we have to consider whether this House will think fit to enable Her Majesty to fulfil the engagement she has entered into under this Convention, and to perform her part in the guarantee of the loan, which is a joint guarantee between the Governments of France and Great Britain. What will be the effect of the rejection of this Resolution by the Committee? Why, Her Majesty will have to communicate to her ally, the Emperor of the French, that it is not in her power to fulfil the convention into which She has entered, and to inform him that the assent to the Convention which has been obtained from his Legislative Chamber will be void and of no effect. That will be the necessary consequence of the rejection of this Resolution. I fully admit that Her Majesty gave her assent to this Convention provisionally, and dependent upon the subsequent assent of Parliament, and I by no means deny the right of the House, if it should think fit, to refuse its assent to the Resolution now in the Chairman's hands:—and I only wish to point out distinctly the position in which Her Majesty, the executive Government, and the country, will be placed with regard to our ally if this Resolution should be negatived. I can perfectly understand Members of the House adopting the view of the hon. Member for Wick (Mr. Laing), who disapproved all assistance being rendered to foreign Governments, and who thought that, if we were engaged in war with foreign Powers we ought to limit our expenditure to the maintenance of our own troops; and that if we did give any assistance to foreign Powers, that it would only lead to complications and difficulties, whether such assistance was rendered by way of loans, subsidies, or guarantees. That is a course which appears to me to be clear and distinct, and one which any person might justify by specious and plausible arguments. But I confess that I do not understand the course taken by the right hon. Member for the University of Oxford and other hon. Gentlemen, who admit to a certain extent that circumstances may justify us in giving assistance to a foreign Power, but who maintain that of all modes of assistance which can be given, a guarantee is the least expedient. Let us examine the alternatives they have proposed to us. In the first place, they say that a loan is better than a guarantee, and adduce the example of the Sardinian loan. I had the honour of submitting that loan to the House shortly after I succeeded to my office, and I believe that it was a good arrangement; but I confess that I am unable to see the extraordinary advantages which it possesses as compared with a guarantee. What course did we adopt with regard to that loan? We raised money, it may be said, by way of loan, and advanced to Sardinia the sum of 2,000,000*l.*, 1,000,000*l.* of which is payable in the present year, one half of which has been advanced, and another 1,000,000*l.* is payable next year, if the war continue so long. What advantages does such a loan possess over a guarantee? We have no control over the appropriation of the money. The Sardinian Government expends it as it may think fit, through its own officers and agents, and I am at a loss to understand what are the security, economy, and advantage which hon. Gentlemen discover in the loan advanced to the King of Sardinia, as compared with the guarantee it is proposed to give in this case. In whatever point of view we consider this question, whether as regards the loss to the country, or the burdens on the Exchequer, or the security we obtain for the proper appropriation of the money for the purposes of the war—I say that, in whatever direction we look, I think I can defy any hon. Gentleman to show that loans possess any advantage over guarantees. The next alternative which we are told possesses an advantage over a guarantee is a free gift of subsidy; but to adopt that plan we must go into the market and borrow 5,000,000*l.* on our own account, because we have not that balance in the Exchequer. In the financial statement which I had the honour of laying before the House, it was my duty to submit to it estimates almost unexampled in the financial history of the country, and, to my regret, to propose new burdens, but no estimate for this loan was submitted to the House, and, therefore, if the plan of a subsidy were adopted, we should have to go into the market and borrow the money. Now comes the consideration how that could be done. It will be in the recollection of the Committee that among the Ways and Means for the year there was a loan of 16,000,000*l.*, and, for the purpose of raising that amount, it was necessary to give certain assurances to the lenders, in order that they might have security for the money they advanced, and in order that the public might obtain the loan upon the most advantageous and reasonable terms; and one of the assurances which the Government had to give was, that we would not raise any new loan while any of the instalments of that loan were pending. Now, the last instalment of that loan does not become due until December next, and therefore we could not ourselves borrow the 5,000,000*l.* until the end of this year. Now, if it should please the Committee to reject this Resolution, and to say that the executive Government is to devise some other means of complying with the terms of the Convention, that it is to negotiate afresh with France and Turkey, in order to devise some other means for furnishing the necessary funds—if, I say this ulterior course is to be resorted to—it is necessary to inquire how it will be possible for the Government to raise the funds necessary for fulfilling the Convention which has been entered into by the Crown? I trust that those hon. Gentlemen who propose to reject this Resolution, and who talk of the advantages of loans or of subsidies as compared with guarantees, will explain to the Committee what is the practical course which they wish the Government to adopt. It is not sufficient for hon. Gentlemen simply to negative the course we propose to adopt when the subject under discussion is a Convention entered into not in excess of but in pursuance of the prerogative of the Crown and in accordance with habitual practice. I say that it is the duty of the Government to find the means of fulfilling engagements of the Crown and of the country with foreign Powers, and I also say that it is the duty of those hon. Gentlemen who call upon the Committee to reject this Resolution, which has been proposed by the Government in order to fulfil the engagement of the Crown, to point out the means by which they consider that engagement can best be carried into effect. The right hon. Gentleman the Member for Buckinghamshire seems to be of opinion that every loan raised in this country on the guarantee of the Government is a subtraction from the national wealth, and he appears to consider the Government responsible for taking so much from the wealth of the country. Now, if any foreign Power raises a loan in this country it subtracts from the wealth of the country, and such a loan has already been raised by Turkey. Two years ago the Turkish Government raised a loan, not accompanied by a guarantee of the English Government: that loan was principally subscribed by English contributors, and that loan was therefore an abstraction from the wealth of the country. But at the same time, the contributors have their benefit in the interest which is paid to them by the Turkish Government. There is therefore no difference, as far as the diminution of the wealth of the country is concerned, between a loan raised by private contractors and a loan contracted under the guarantee of Government. Having made these observations, I can only express a hope that the House will not go to the extreme length of putting a negative on this Resolution and thus prevent a Bill being introduced to give effect to it; and by so doing bring about an anomalous difficulty, and an embarrassing state of affairs which must arise from its rejection.

MR. WALPOLE: I had hoped, Sir, that the right hon. Gentleman the Chancellor of the Exchequer was about to accede to the very reasonable proposition of my right hon. Friend (Mr. Disraeli), not to force this Resolution upon the House without further consideration. There are many reasons which I might advance why it would be advisable that the Government should adopt that course. One reason is that, in the first place, the arguments which have been advanced against this Resolution are not only unanswered, but, because they are so, I believe they are unanswerable; and, in the second place, there is this singularity, that, with the exception of the noble Lord at the head of the Government and the Chancellor of the Exchequer, not a single gentleman has offered one single argument in support of the Resolution; for although the hon. Member for Lambeth (Mr. Wilkinson) has announced his intention of supporting the Government, he, at the same time, has advanced the strongest possible argument against the Resolution. But, Sir, if I was disappointed that the Chancellor of the Exchequer did not accede to that proposal, I was still more surprised at the language which he used, and which was totally at variance with the more constitutional language of the noble Viscount the First Lord of the Treasury. The right hon. Gentleman, it is true, has admitted that these conventions made by the Crown are conventions of a contingent nature, which Parliament has a right afterwards to consider; but the whole line of argument adopted by the right hon. Gentleman was opposed to that statement, for he, while admitting that Parliament had a right to consider these conventions, argued as if Parliament must adopt them because the Crown had entered into them. I do not think, Sir, that that is constitutional doctrine. I think that it is very advantageous for this House and for the country that this question, with regard to guarantees, has been raised, because now we can come to some understanding with respect to similar proposals to which we may be asked to assent. Then the Chancellor of the Exchequer tries to draw a distinction between a guarantee and a loan, and he says, "Is not a guarantee better than a loan?" But who suggested that you should make a loan to the Turkish Government, unless there is something like a guarantee—different from that you propose—that that loan is the most advantageous manner of assisting the Turkish Government to carry on the war? The other alternative put by the right hon. Gentleman is this:—"If you won't have a guarantee or a loan, are you to make a subsidy or a free gift?" My answer is, that a subsidy or a free gift is even worse than the guarantee or loan that you propose. But then, to my utter astonishment, the right hon. Gentleman winds up his arguments by this observation:—"If you reject this Resolution, it is your duty to suggest to the House some practicable course for us to adopt." Why, what is the executive Government there for? Does the Chancellor of the Exchequer really wish that the executive affairs of this country should be carried on by the House of Commons or by the Opposition; or are we not to receive from the Government, with the responsibility which Governments have upon their shoulders—with the information they possess, greater than can be commanded by this House,—are we not to have from them the distinct propositions they are prepared to make, and are we not to have reasons to support them? [Lord J. RUSSELL: Hear, hear!] Yes, but that was not the argument of the Chancellor of the Exchequer. The Chancellor of the Exchequer put it to us to propose some practical mode of proceeding in this case, and, notwithstanding the interruption of the noble Lord, I must say that, unless he can suggest some practical mode of extricating the Government out of what, I think, is a considerable difficulty, I doubt whether the doctrine I am endeavouring to enforce is not more constitutional than that which his interruption would imply meets with his approval. Without repeating the arguments which have been made use of in the course of this debate, I must say that the political and financial objections to this proposition appear to me so great that I must repeat my hope that the Government will not hastily force it upon the House. I do not think I could add anything to the arguments of the right hon. Gentleman (Mr. Gladstone), backed as they have been so ably by the hon. Member for Wick (Mr. Laing); but I beg the Government to look to the last two articles of the Convention and consider what the effect will be if they persist in the policy they have marked out. By that Convention you are making England the trustee for the contractors of the loan; you are making England the trustee for France and the trustee for Turkey; you are bringing upon England all the complications and difficulties which attach to that trusteeship, and until I receive a better explanation from the Government I, for one, am not prepared to adopt a proposition which, as I believe, will lead to remonstrance, to complications, and to difficulties greater even, it may be, than those which now at this moment beset you.

VISCOUNT PALMERSTON: The right hon. Gentleman appears very much to have misunderstood the argument of my right hon. Friend. He by no means meant to say that it was the duty of those who sit opposite, or of any persons in this House, not being the responsible advisers of the Crown, to propose measures for the Executive Government. The argument of my right hon. Friend was this. He explained to the House the financial position in which the Government stands. He first of all argued that pecuniary assistance was essentially requisite for the military service of Turkey—and here I may be allowed to say, with reference to what has fallen from other Gentlemen in this debate, that it is no reflection upon Turkey to assert that, engaged in a great war requiring most extraordinary exertions of a military kind, her ordinary revenues are insufficient to meet that emergency. I have been taunted by the hon. Member for the West Riding with inconsistency because, having said last year that Turkey had made greater advances in the way of improvement than almost any other country had ever done within the same period of time, I now stated that she could not continue to carry on the war without extraordinary means. Why, Sir, this country is unable to carry on the war without extraordinary means. France is unable to carry on the war without extraordinary means. Austria is unable even to maintain her army on a peace establishment, and has reduced it because her ordinary means are insufficient for the purpose of keeping it up; and therefore it is no contradiction to say, on the one hand, that a country has made great improvements in her internal organisation and resources, and, on the other, that, being engaged in a contest which requires extraordinary efforts, she is unable to make those efforts by the help of her ordinary resources in time of peace. Sir, I say my right hon. Friend argued that assistance was requisite to enable Turkey to bear the inevitable burdens of the war. Well, our measure has for its object to assist her in procuring those means. There are two kinds of objections which may be made to the measure. Some Gentlemen object to it, because they would prefer separate responsibility to a joint responsibility, and because they think that it would be better to encounter at once the whole amount of responsibility, and to give the money in the shape of a gift, rather than to have, without any present demand, a contingent liability hanging over our heads. There are other persons who object on broader grounds—who think the war ought not to be carried on, that peace ought to be made at any price, and who object to anything which furnishes the means of prosecuting the war. Well, that is a very intelligible objection, but I do not think it is one in which the majority of the House will concur. Then, I must say that the argument of my right hon. Friend who spoke near the gangway (Mr. Cardwell) was not one possessing much force or value. One objection he made to this Resolution was the amount of sacrifices which we have made ourselves in the prosecution of this war. Why, Sir, if it has in this House been thought wise and necessary to make these great efforts out of the resources of this country for the prosecution of the war, surely it is and would be inconsistent in us to refuse this, which is no effort at all as we contend, and which, even upon the showing of those who criticise it most, is only a contingent, and comparatively small sacrifice; surely, I say, it would be inconsistent to sacrifice a great object for a small effort, when we have already nobly been making great efforts for the accomplishment of the same object. With all deference, then, I think the argument used by my right hon. Friend (Mr. Cardwell) bears greatly against the conclusion which he would establish. The argument of my right hon. Friend the Chancellor of the Exchequer was this. He said, "We assume that assistance is necessary for Turkey. We have provided by this treaty a method by which that assistance may be acquired—that is to say, by a loan which Turkey is to contract under the guarantee of England and France." Then he says, "You object. Now, what do you propose instead of it?" and he argues that all imaginable methods of affording to Turkey the same aid are impossible, because, as my right hon. Friend says to those who urge that we ought to give the money at once, "How are you to find it?" You have it not out of your disposable income, and you are precluded by the engagements entered into with the contractors of the loan we have lately raised from raising another loan until the end of the year. Those, therefore, who argue that you ought to raise the money on your own credit and give it to Turkey as a loan, are met by this objection—that you have not, either out of surplus income or by means of loans of your own, the power of placing this money at the disposal of Turkey. Well, then, you are reduced to this alternative—will you sanction this method of assisting Turkey to carry on a defensive war—a war in which we are pledged to cooperate with her, and in support of which we have made great exertions of our own—will the House sanction the engagement of the Crown for giving assistance to Turkey, or will they say to the Crown that no assistance shall be given to Turkey to enable her to carry on that war? My right hon. Friend wished the House seriously to consider the position in which they are thus placing the Crown, the country, and the general cause in which we are engaged. It may, undoubtedly, be that this House may think that we have come to the end of our resources. This House may imagine that it is time to stop in the career in which we have embarked. They may altogether alter the opinion hitherto entertained of the necessity of prosecuting this war with energy and with vigour. They may say, "We will hear no more of it; we will contribute nothing; and we won't even incur a contingent and remote liability for the purpose of enabling an ally in his own territory, and in his own defence, to carry on the war with energy and success." I should deeply grieve to see such a course taken by the House, but, at all events, it would be an intelligible line of proceeding, and the House would have to account to the country for this change in their sentiments. But if the House is determined, as I believe it to be, in accordance with the Resolution which it came to to that effect, to support the Crown in the conduct and vigorous prosecution of the war, then I would really entreat it not to stand upon comparatively trifling differences of opinion as to the particular method in which this assistance should be given to Turkey. Some Gentlemen may have a preference for a separate liability over a joint one; that is a matter on which it is perfectly intelligible that men may differ; but is it a fundamental objection to this proposal? Is it worth while, for the sake of a difference of opinion on such a minor point, to send this Convention back to France and to Turkey to be remodelled and reframed, and delaying, allow me to say, at this time of the year, the assistance which this loan would afford to our ally for an indefinite period? For, let us remember the time of the year which we have now reached. No change can be made in this arrangement without a fresh Convention between the contracting parties. That Convention must go back to Constantinople and then wait until it can be ratified, after which we must return to Parliament for its authority to enable us to carry it into execution. We are now in the middle of July; and is the House prepared to continue its sittings until that change could be made, or would it insist on no effect being given to the measure till the next Session, when it would be too late to render to Turkey the assistance which we think we are bound in honour to afford her? Sir, this is, after all, a more serious matter than some Gentlemen seem to consider it. It does affect the honour of England—it does affect the great interests for which this House and this country have made such great and such noble efforts; and I would implore hon. Gentlemen not to deal with the question on the narrow grounds upon which it has hitherto been discussed, but rather to take a larger and broader view of it, and to consider the important interests which are at stake and the grave consequences which may flow from the refusal of this House to sanction this engagement. The right hon. Gentleman (Mr. Walpole) has addressed an appeal to Her Majesty's Government founded on the question of time; and he thinks that, the Resolution having been inserted in the Votes only yesterday, more time is required for considering it.

MR. WALPOLE: What I said was, "Will the noble Lord reconsider the Resolution, and alter his plan entirely?"

VISCOUNT PALMERSTON: The right hon. Gentleman is a statesman who views things on a large scale; and I am sure that no man in this House has the honour of the country and the great interest now concerned more truly at heart than he has. Now, he asks the Government to reconsider this arrangement. Will he a little reconsider his own proposition? And do not let him taunt me by saying that I am asking him to suggest the course which the Government is to pursue; but will he just follow out in his own mind the steps which must be taken if we are to act upon his recommendation to revise our proposals? Why, here is a treaty signed and also ratified between France, Turkey, and England. The ratifications were exchanged at Constantinople. Now, we cannot alter this arrangement without having a new treaty; and how does the right hon. Gentleman think this new treaty is to be worked out, and how long would it take? There must be a renewed negotiation with France, and would the Government of that country agree to such a change? I will not undertake to say that it would. The Government of France might have great objections to assenting to what (I was going to say) the right hon. Gentleman wishes; but, upon my word, so many different opinions have been stated in the course of this debate that I am at loss to know which of the conflicting views is the one entertained by the right hon. Member. I will assume, however, that he would be satisfied if the guarantee were separate instead of joint; for that, as I understand him, is the point on which his opposition rests. [MR. WALPOLE made a remark.] Does the right hon. Gentleman prefer that the money should be given *en bloc*, and in the form of a gift, or does he wish that, instead of guaranteeing a loan, the British Government should adopt the mode acted upon in the case of the Sardinian loan, and take security for principal and interest from Turkey? Whichever of these proposals the right hon. Gentleman advocates, he must see that no such change can be effected without cancelling the present treaty and entering into a new one. Supposing that course to be right; if this month had been January instead of July there might have been time for adopting it, because then the negotiations might be opened, a fresh treaty signed and ratified, and the sanction of Parliament obtained to its execution. In the actual state of things, however, such an arrangement would be equivalent to the practical postponement till next Session of any assistance to Turkey in the way of helping her to a loan. Now, I have no hesitation in saying that that would be attended with the most disastrous results in regard to the military operations in contemplation. I will declare to the House my most perfect conviction that if we withhold from Turkey the additional means that she requires to enable her to maintain her army in an adequate state for operations in the field, the consequences will be most calamitous. This House may choose to take upon itself the responsibility of such an issue. Hon. Gentlemen who have declared themselves ready to carry on the war with all the energy and spirit which the country can command; hon. Gentlemen on the other side who have taunted Her Majesty's Government with being insincere in the prosecution of the war, and who have declared that it is all a delusion for us to pretend that we are in earnest in our intention to conduct the contest with vigour and determination, because we have really had at heart peace almost at any price—those who have held this language may indeed refuse this slight contribution towards the means necessary for waging the war with energy and resolution; but I shall leave it to the House and the country to pronounce between such persons and the Members of the Government as to who it is who are really sincere, and who it is who are practising a deception upon the public and upon the world by making professions which they do not actually feel. I leave it, I say, to the country to determine on the sincerity of those who by their speeches and their verbal declarations make such large and general protestations of their earnest desire to support the war, but who, nevertheless, upon the first practical measure for that object being afterwards submitted for their sanction, refuse to the very ally for whose defence this great conflict was undertaken the small amount of aid which not the money but the credit of England and France would afford to him to enable him to maintain the integrity of those very territories in behalf of which we have already incurred such a heavy expenditure, and for which we have been making such immense exertions.

Question put.

The Committee *divided:*—Ayes 135; Noes 132: Majority 3.

List of the AYES.

Acton, J.
Anderson, Sir J.
Ball, J.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bethell, Sir R.
Biddulph, R. M.
Bland, L. H.
Bouverie, rt. hon. E. P.
Brady, J.
Brand, hon. H.
Brocklehurst, J.
Brown, H.
Bruce, Lord E.
Buckley, Gen.
Butt, I.
Campbell, Sir A. I.
Castlerosse, Visct.
Cayley, E. S.
Cobbett, J. M.
Cockburn, Sir A. J. E.
Cowper, hon. W. F.
Craufurd, E. H. J.
Deedes, W.
De Vere, S. E.
Dillwyn, L. L.
Drumlanrig, Visct.
Duncan, Visct.
Dungarvan, Visct.
Ebrington, Visct.
Ellice, rt. hon. E.
Esmonde, J.
Ewart, J. C.
Ferguson, Sir R.
FitzGerald, Sir J.
FitzGerald, J. D.
Forster, C.
Forster, J.
Fox, W. J.
Galwey, Sir W. P.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Greene, J.
Gregson, S.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hankey, T.
Hastie, Arch.
Headlam, T. E.
Herbert, H. A.
Higgins, G. G. O.
Hogg, Sir J. W.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Ingham, R.
Jackson, W.
Kershaw, J.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Langton, H. G.
Lee, W.
Lewis, rt. hon. Sir G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Lowe, R.
Luce, T.
Mackinnon, W. A.
M'Cann, J.
M'Gregor, J.
Massey, W. N.
Matheson, A.
Milligan, R.
Mitchell, T. A.
Molesworth, rt. hn. Sir W.
Moncreiff, J.
Monsell, W.
Morris, D.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Noel, hon. G. J.
Norreys, Sir D. J.
North, F.
O'Brian, P.
O'Brien, Sir T.
O'Connell, D.
Oliveira, B.
Osborne, R.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Perry, Sir T. E.
Philipps, J. H.
Pritchard, J.
Ricardo, O.
Ricardo, S.
Richardson, J. J.
Russell, Lord J.
Russell, F. C. H.
Sadleir, J.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scully, F.

Scully, V.
Seymour, Lord
Seymour, H. D.
Shafto, R. D.
Shee, W.
Shelley, Sir J. V.
Smith, M. T.
Smith, rt. hon. R. V.
Somerville, rt. hon. Sir W.
Steel, J.
Thornely, T.
Tite, W.
Tomline, G.
Waterpark, Lord
Watkins, Col. L.
Whatman, J.
Wickham, H. W.
Wilkinson, W. A.
Williams, W.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wyndham, W.

TELLERS.

Hayter, rt. hon. W. G.
Berkeley, G.

List of the NOES.

Adderley, C. B.
Alcock, T.
Alexander, J.
Bailey, C.
Ball, E.
Baldock, E. H.
Banks, rt. hon. G.
Barnes, T.
Bateson, T.
Beaumount, W. B.
Bell, J.
Bentinck, G. W. P.
Booker, T. W.
Bright, J.
Buck, G. S.
Burrowes, R.
Cairns, H. M'C.
Cardwell, rt. hon. E.
Cecil, Lord R.
Child, S.
Cobden, R.
Codrington, Sir W.
Cole, hon. H. A.
Corry, rt. hon. H. L.
Cowan, C.
Crook, J.
Crossley, F.
Davies, J. L.
Disraeli, rt. hon. B.
Duffy, C. G.
Duncan, G.
Duncombe, hon. W. E.
Dundas, G.
Dunne, Col.
Egerton, E. C.
Evelyn, W. J.
Farnham, E. B.
Fellowes, E.
Fergusson, Sir J.
Fitzgerald, W. R. S.
Forester, rt. hon. Col.
French, F.
Gilpin, Col.
Gladstone, rt. hon. W.
Gordon, hon. A.
Graham, rt. hon. Sir J.
Graham, Lord M. W.
Granby, Marq. of
Guinness, R. S.
Gwyn, H.
Hadfield, G.
Hamilton, Lord C.
Hamilton, G. A.
Hastie, Alex.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Horsfall, T. B.
Hotham, Lord
Hume, W. F.
Jolliffe, Sir W. G. H.
Jones, Adm.
Jones, D.
Kendall, N.
Knight, F. W.
Knox, hon. W. S.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lockhart, W.
Lovaine, Lord
Lowther, hon. Col.
Lushington, C. M.
Macartney, G.
MacGregor, Jas.
Maddock, Sir H.
Maguire, J. F.
Manners, Lord G.
Maxwell, hon. J. P.
Meagher, T.
Meux, Sir H.
Miall, E.
Miles, W.
Michell, W.
Moffatt, G.
Morgan, O.
Mowbray, J. R.
Mullings, J. R.
Murrough, J. P.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Ossulston, Lord
Pakenham, T. H.
Pakington, rt. hn. Sir J.
Palmer, Roundell
Peacocke, G. M. W.
Peel, Gen.
Pennant, hon. Col.
Percy, hon. J. W.
Phillimore, R. J.
Pilkington, J.
Repton, G. W. J.
Rushout, G.
Smijth, Sir W.
Smith, J. B.
Smyth, J. G.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stirling, W.
Stracey, H. J.
Stuart, W.
Sturt, H. G.
Sullivan, M.
Taylor, Col.
Tollemache, J.
Tyler, Sir G.
Verner, Sir W.
Vernon, G. E. H.
Vernon, L. V.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Whiteside, J.
Whitmore, H.
Wise, A.
Wyndham, Gen.

TELLERS.

Laing,
Ricardo, J. L.

House resumed.

SUPPLY—MAYNOOTH COLLEGE.

On the Motion that Mr. SPEAKER leave the chair to go into Committee of Supply,

MR. SPOONER rose to move as an Amendment—

> "That a Select Committee to inquire into the circumstances under which, in the Evidence taken before the Commissioners appointed to inquire into the Management and Government of the College of Maynooth, and reported to Parliament, titles prohibited by law were allowed to be ascribed to Roman Catholic Bishops; and also why, and under what circumstances, some of the witnesses were permitted to make alterations in the evidence which they had given before the Commissioners; and also to inquire into the facts and circumstances connected with the alleged communication to Dr. Cullen of a portion of the evidence, and the use which he made of the information so received, and as to the person by whom the evidence was so furnished, and as to the delay which took place in laying the Report of the Commissioners before the Houses of Parliament."

The hon. Member said, that he had stated on a former occasion, that an illegal title had been given to the so-called bishops in Ireland with the concurrence of the noble Lord at the head of the Commission, and that the evidence taken had been sent to Rome before it was laid before that House. The right hon. Secretary for Ireland then partly contradicted that statement, and attempted to controvert the argument. But it was not the fact that there were in this Maynooth Report only two territorial titles. He found in the evidence of the Rev. John O'Hanlon no less than six territorial titles conferred on Roman Catholic bishops, those who were of the Dunboyne establishment. So that the excuse of Dr. Twiss having overlooked two solitary titles in revising the evidence did not hold, for here, in the oral evidence, there were no less than six, and these must have been given in the presence of the Commissioners. He asked the House, would it countenance such open violation of the law? It might be trifling at present; but the time was approaching when it would, in his opinion, be absolutely necessary—if the Government intended to maintain the Protestant constitution of this country—to take legal proceedings to put a stop to those illegal assumptions of territorial titles. But suppose such proceedings to be taken, what would be the answer of the Roman Catholic violators of the law? The answer would be, that we ourselves encouraged them by overlooking these assumptions of territorial titles in no less a document than the Report of a Royal Commission of Inquiry. He had received a letter from Dr. Flannagan directly contradicting the assertion of the right hon. Gentleman, who had stated that he was deaf, and saying that he had not found the slightest difficulty in giving his evidence. Another witness, who had formerly been a Roman Catholic priest, said, that he had been accused of having altered the Report of his evidence, and of having inserted the titles of the Roman Catholic bishops after the evidence was printed. The writer denied having reinserted the name of a bishop which had been scratched out by the Commissioners. When he got his evidence printed in London he found the title of Dr. Day inserted, but not by his act, and he left the title as he found it. There was another question which showed the inaccuracy of the right hon. Gentleman. The right hon. Gentleman said, there were only two witnesses who had their evidence given to them in print. That was not the fact. The evidence was given to a great many witnesses to revise after it was printed. He could prove that the evidence had been given to several witnesses to revise and re-revise. They would find that throughout the Report the evidence had been tampered with. That was according to his information, and he was prepared to go into the proof. There was another point on which the House ought to make inquiry. He had frequently asked when the evidence and Report would be laid before the House. The reply was, that the Report was coming, but no reason was given for the delay in presenting the Report. His case was, that the evidence was printed and sent to Rome fully eleven months before it was placed in the hands of Members of that House. The House ought to inquire, when a Royal Commission was formed, whether it was proper that a delay of eleven months should elapse before the evidence was laid on the table. Dr. Cullen, it was said, had to revise his evidence, but he had looked over the evidence, and could not find Dr. Cullen had been examined at all. Was that a proper reason for delay? Some influence had been used, which was perfectly well known to certain Gentlemen in that House, as to the Committee. With respect to the arrangement with the noble Lord as to the Committee, the noble Lord had withdrawn from that arrangement for considerations best known to himself. It was clear there was a sinister influence in that House—an influence most unconstitutional, and which stood in the way of all inquiry, and all proper legislation. It was an influence that he would tell the noble Lord, and the hon. Gentlemen who exercised it, the country would not tolerate, and that if persisted in the country would be roused to demand an alteration.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

"a Select Committee be appointed to inquire into the circumstances under which, in the Evidence taken before the Commissioners appointed to inquire into the Management and Government of the College of Maynooth, and reported to Parliament, titles prohibited by law were allowed to be ascribed to Roman Catholic Bishops; and also why, and under what circumstances, some of the witnesses were permitted to make alterations in the evidence which they had given before the Commissioners; and also to inquire into the facts and circumstances connected with the alleged communication to Dr. Cullen of a portion of the evidence, and the use which he made of the information so received, and as to the person by whom the evidence was so furnished, and as to the delay which took place in laying the Report of the Commissioners before the Houses of Parliament," instead thereof.

Mr. HORSMAN said, that as he understood his hon. Friend did not mean to proceed with the proposed inquiry until the next Session, he should not deem it necessary to trespass at any length on the time of the House upon that occasion. On the 21st of May he had offered his hon. Friend a Committee which could fully inquire into all the disputed facts of the case. But his hon. Friend had refused to accept that offer, and if he had not refused it, there could be no doubt but the matter would before the present time have been completely settled. The Commissioners, the secretaries, and the printers were in London, in expectation that the hon. Gentleman would move for a Committee; but he would not do so.

Mr. WHITESIDE said, he was desired by his hon. Friend (Mr. Spooner) to state that he had never absolutely refused an inquiry, although he had refused the inquiry tendered by the right hon. Gentleman the Secretary for Ireland.

Sir JOHN PAKINGTON said, he wished to know on what ground the Government could at present refuse an inquiry, after they had on two former occasions acknowledged the propriety of granting it?

Viscount PALMERSTON said, it was true the hon. Member for Warwickshire had spoken to him on the subject, and that he had been induced to think that he could support the Motion which the hon. Member meant to propose. But on further consideration he had altered his opinion, and wrote a note within half an hour after to the hon. Member, telling him that he could not consent to the Motion. His hon. Friend the Secretary for Ireland was still ready to abide by the proposal which he had made.

Mr. SPOONER said, he would not accept it.

Mr. NAPIER understood that the Government were willing to assent to inquiry, but differed upon the terms. When it came to a matter of terms, there must be some reason for their departure from the arrangement formerly made, and he would like to know what that reason was?

Sir GEORGE GREY said, the Government were not opposed to all inquiry. The Secretary for Ireland had acceded to inquiry in the terms of an Amendment which he had placed upon the paper, but the hon. Member having made his Motion on going into Committee of Supply the forms of the House did not allow of the Government moving the Amendment of which notice had been given. He understood the hon. Member to say he should renew his Motion next Session, and it seemed to him very objectionable to appoint a Committee now without intending to prosecute the inquiry until next Session.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 76; Noes 97: Majority 21.

List of the Noes.

Adderley, C. B.
Alcock, T.
Anderson, Sir J.
Baldock, E. H.
Bankes, rt. hon. G.
Bateson, T.
Bell, J.
Bentinck, G. W. P.
Booker, T. W.
Brocklehurst, J.
Buck, G. S.
Burrowes, R.
Butt, I.
Cairns, H. M'C.
Campbell, Sir A. I.
Child, S.
Codrington, Sir W.
Cole, hon. H. A.
Corry, rt. hon. H. L.
Cowan, C.
Craufurd, E. H. J.
Crossley, F.
Davies, J. L.
Deedes, W.
Duncan, G.
Duncombe, hon. W. E.
Dundas, G.
Egerton, E. C.
Farnham, E. B.
Fellowes, E.
Fergusson, Sir J.
Forester, rt. hon. Col.
Gallwey, Sir W. P.
Graham, Lord M. W.
Grogan, E.
Guinness, R. S.
Gwyn, H.
Hamilton, Lord C.
Hamilton, G. A.
Hastie, Alexander
Hastie, Archibald
Henley, rt. hon. J. W.
Hervey, Lord A.
Horsfall, T. B.
Jones, Adm.
Kendall, N.
Kinnaird, hon. A. F.
Knox, hon. W. S.
Langton, H. G.
Lee, W.
Lockhart, W.
Lowther, hon. Col.
Lushington, C. M.
Macartney, G.
MacGregor, Jas.
Manners, Lord G.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Michell, W.
Morris, D.
Mowbray, J. R.
Mullings J. R.
Muntz, G. F.
Naas, Lord
Napier, rt. hon. J.
Noel, hon. G. J.
Oakes, J. H. P.
Ossulston, Lord
Pakington, rt. hon. Sir J.
Palmer, R.
Pellatt, A.
Percy, hon. J. W.
Phillimore, R. J.
Repton, G. W. J.
Sawle, C. B. G.
Scobell, Capt.
Smijth, Sir W.
Stafford, A.
Stanhope, J. B.
Stirling, W.
Stracey, H. J.
Stuart, W.
Sturt, H. G.
Taylor, Col.
Tite, W.
Tollemache, J.
Tyler, Sir G.
Vance, J.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Whitmore, H.
Wickham, H. W.
Willoughby, Sir H.
Wyndham, Gen.

TELLERS.

Spooner, R.
Whiteside, J.

Words *added;* Main Question as amended put, and *agreed to.*

Supply Committee *deferred* till *Monday* next.

The House adjourned at Two o'clock on *Monday* next.

HOUSE OF LORDS,

Monday, July 23, 1855.

Minutes.] Public Bills.—1^a Stage Carriage Duties, &c.; Chinese Passenger Ships; Court of Judicature (Prince of Wales Island); Convention with United States; Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment; Dissenters' Relief.

2^a Piers and Harbours (Scotland); Crown Suits; Lunatic Asylums (Ireland).

3^a Religious Worship; Burials; Dwelling-Houses (Scotland); Crime and Outrage (Ireland) Continuance.

Royal Assent.—Lady Raglan and Lord Raglan's Annuities; Endowed Schools (Ireland); Gold Wedding Rings; Commons Inclosure (No. 2); Spirits (Ireland) Act Amendment; Friendly Societies; Dublin Carriage Acts Amendment; Christ Church (Todmorden) Marriages Validity; Burial-Grounds (Scotland); Bills of Exchange and Promissory Notes.

THE WAR IN ASIA.

The Earl of AIRLIE asked the noble Earl the Secretary of State for Foreign Affairs if Her Majesty's Government had received any information with respect to the progress of the war in Asia? Most alarming accounts—whether true or false he could not say—had recently been received from that quarter. It was said that Kars had been invested by a large Russian force, and that another detachment of the enemy had been despatched to Erzeroum. On the fall of Kars during the last war, the Russians immediately advanced upon Erzeroum. The House was aware of the vast importance of this latter town, a subject which had lately been brought before the other House by an hon. Gentleman who was admitted to be a great authority on all matters connected with the East, the Member for Aylesbury (Mr. Layard). It was said by those who were best acquainted with the country that whoever held Erzeroum would be masters of that part of Asia; and there was no doubt that if the Russians should obtain and keep possession of it, it would be fatal to the independence and integrity of Turkey. It had generally been supposed that the independence of Turkey was comparatively safe so long as she was not threatened by the Russian fleet. That might be very true as far as regarded the European possessions of the Porte, but that it was equally so with regard to the Ottoman territory in Asia was a conclusion not equally borne out by experience. He hoped the noble Earl at the head of the Foreign Department would be able to contradict the alarming rumours in circulation; and he trusted that the result of the present campaign would show that the Government, in concert with our allies, had taken such steps as would check the further progress of the Russian army in Asia Minor.

The Earl of CLARENDON said, he had no objection to give the noble Earl all the information he possessed on the subject to which he had drawn the attention of their Lordships. He could assure him that Her Majesty's Government were as fully alive as the noble Earl could be to the importance of repelling the aggressions of Russia on Kars. In the summer of last year Her Majesty's Government sent out to Kars a very distinguished officer, and by his unwearied zeal and perseverance he had succeeded in maintaining the spirit of the Turkish army, in reforming some of the worst abuses, and placing the army on a more satisfactory footing. They had news from that place to the 23rd of last month, which was that the Russians had made an advance on Kars, and had got within fire of the batteries, and were repulsed with loss. But so far from the Turkish army being in a dispirited and demoralised condition by the sufferings of last winter, they manifested a very excellent spirit. They knew also that the inhabitants displayed the best spirit. They had been supplied with arms at their own demand, and wherever there was an appearance of danger they presented themselves without being called upon. On the 23rd there was a very considerable Russian force between Kars and Erzeroum, which had destroyed some granaries and stores of corn; and after the failure at Kars it appeared that the Russians had sent for heavy guns; but that on their way a violent rain had taken place, the country was entirely broken up, and they were unable to bring the guns up. That was the latest information they had, and it was the opinion not only of the general officer he had referred to, but of the other officers with him, that there need be no fear whatever of Kars being taken by a *coup de main*. It would be of course the duty of the Turkish Government to take measures to succour Kars. Measures for that purpose would be taken, but of course the noble Earl would see that it would be injudicious for him to state what they were.

RELIGIOUS WORSHIP BILL.

Bill read 3^a (according to order) with the Amendments.

The Earl of DERBY said, he must take notice of the doubtful meaning of some of its clauses. His noble Friend (the Earl of Shaftesbury), in drawing them up, had rather stretched a point beyond what the intention of the Bill was understood to be, when he put after the word "dwelling-house," the words "or premises thereto belonging." Chapels might be attached to private dwelling-houses, and so evade the existing law. There was a provision also to except from the existing prohibitions "any congregation or assembly for religious purposes meeting occasionally in any place not usually appropriated to religious worship." But what was the meaning of the word "occasionally?" The object was to protect the meetings of societies and bodies of people who did not assemble regularly and systematically in a certain place for public worship. But under this clause, supposing a number of persons, desirous of establishing a system of religious worship in a parish contrary to the will of the incumbent, should hire, week by week, a large ball-room in some inn, or any other place of that description, and meet there every Sunday for public worship according to the forms of the Church of England, would not they be exempted from the existing prohibitions, upon the ground that meeting only upon one day in seven was an occasional meeting?

THE EARL OF SHAFTESBURY replied, that the words "dwelling-house or premises belonging to it" were recited from the Act of 1812, in order that the repeal might be as large as the restriction had been. The object of the other provision was to give as much latitude as possible to the London City Mission and other such societies, which held many meetings in the course of the year, and not always in the same spot, not only in Exeter-hall, or the Freemasons'-hall, but went from place to place, taking rooms in various private houses or in halls, which they hired for the occasion, throughout the district. Whether it might be strained so far as to enable persons to take a theatre in which plays were acted during six days of the week, and to hold religious worship there on the seventh day, he did not know, and that question might be left to those who would have to interpret the law; but he did not think that was the way in which the word "occasionally" should be taken.

THE EARL OF DERBY hoped that some noble and learned Lord would favour the House with his opinion upon the point.

THE LORD CHANCELLOR thought what the House had meant by this Bill was, that the restrictions of the present law should not apply to meetings for religious purposes in unlicensed places which were not held habitually, but only occasionally. An occasional meeting was one which only took place now and then. Of course difficulties might occur in applying that expression to particular cases, but he did not see that any better one could have been used.

THE EARL OF HARROWBY observed, that the object of the clergy was that they should not be exposed to have rival services set up by members of the Church of England in their own parishes; and he did not think it was likely that with an occasional system of worship, dodging about from one house to another, any man would be able to deceive himself or to deceive others, into the notion that they were going through a regular course of Church of England worship.

THE BISHOP OF OXFORD wished to say a word upon a matter which affected his own honour. The first time this Bill was discussed he stated that a meeting of Bishops had been summoned by the Archbishop of Canterbury, every single member of which agreed that he could not support the Bill in its original form. In a debate which subsequently took place, at which he was not present, his right rev. Friend near him (the Bishop of London) corrected an extremely malevolent and slanderous statement which had appeared in a newspaper, purporting to be a religious newspaper, to the effect that he had asserted an entire falsehood, as no such meeting as that to which he had alluded ever took place. Notwithstanding the statement of his right rev. Friend, however, this print, pertinacious in its falsehood, returned to the charge, and stated that he had made an entire and wilful misrepresentation. He had referred to the report in the *Morning Post* of what he said at the time, and he found that his statement was that the Bill was considered yesterday at a meeting held under the presidency of the Archbishop of the province, at which it was unanimously agreed that the Bill could not be supported. That statement was strictly and entirely the truth. The Archbishop had assembled the English Bishops to consider with him a matter affecting the interests of the Church. At that meeting his right rev. Friend (the Bishop of London) introduced the subject of this Bill, and it was agreed, *nem. con.*, that no one present could support it. He wished to set himself right with their Lordships upon this subject, as he should be unworthy of their attention upon any subject whatever if he could have deigned to make such a misrepresentation as that which had been imputed to him.

Amendment *moved*, and *negatived*; a further Amendment made; Bill *passed*, and sent to the Commons.

BURIALS BILL.

Bill read 3ª (according to order) with the Amendments; an Amendment moved and *negatived*.

The Bishop of LONDON expressed his regret that no measure was enacted to compel parishes to provide a sufficient burial ground where the old burial ground had been closed by order of the Secretary of State. He had had a promise from two successive Governments that this should be done, but in the meantime thousands of the poorer population of this city had been obliged to bury their wives, children, or parents, in a manner which was little better than the burial of dogs. He did not say where the blame should lie, but it was disgraceful to a Christian country that such abominations should be allowed, and the rites of the Church profaned. He did not care for the rich—they could go to the cemeteries; but he did care for the poor.

Earl GRANVILLE believed that every evil which the right rev. Prelate had brought under the notice of the Government, as belonging to the deficient arrangements for burial in populous localities, either had been remedied or would be remedied by this Bill, except that one evil of the want of compulsory powers, to oblige the parish to provide a burial ground, which was certainly a matter that required consideration.

Bill *passed*, and sent to the Commons.

THE EDUCATION (SCOTLAND) BILL.

Lord POLWARTH said, he wished to know whether, if the Government did not mean to introduce before the close of the Session a Bill for continuing to the parochial schoolmasters in Scotland the present amount of their salaries, they would be prepared to support such a measure if brought forward by some independent Member of Parliament.

The Duke of ARGYLL said, that if the Government did not think it advisable to introduce such a measure, he thought it could hardly be expected that they would give to it their support if it should be brought forward by some Member of Parliament unconnected with them. He quite agreed with those who said that it would be very unfair to make the schoolmasters in Scotland suffer in consequence of differences of opinion among Members of the Legislature on the subject of education. But the Government did not consider it desirable to bring forward a continuance Bill in that case during the present Session, mainly because they did not believe that it was really wanted. The present salaries would be paid to the parochial schoolmasters in Scotland up to next Michaelmas, and the next payment would not be due to them until a period which would extend more than two months and a half beyond the usual time of the reassembling of Parliament, so that a sufficient opportunity would be afforded of reconsidering the subject.

The Duke of BUCCLEUCH observed that great inconvenience would be felt from the matter being left in a state of uncertainty, as, in anticipation of the expiration of the existing law, arrangements must previously be made for an altered state of things. With respect to the Bill recently before the House, the noble Lords representing Scotland in their Lordships' House were, with one or two exceptions, decidedly opposed to it; and a similar feeling prevailed generally among the Scotch proprietors. Whatever enactment might hereafter be proposed with respect to education in Scotland, he could confidently say that the most determined opposition would be given to the destruction of the parochial system throughout the country, though he admitted that a totally different kind of school might be necessary in large towns and populous places.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 23, 1855.

Minutes.] New Writs.—For Southwark, *v.* The Right Hon. Sir William Molesworth, bt., Secretary of State; for Marylebone, *v.* The Right Hon. Sir Benjamin Hall, bt., Chief Commissioner of Works.

Public Bills.—2° Office of Speaker; Incumbered Estates (Ireland) Act Continuance; Customs Laws Consolidation; Customs Tariff Acts Amendment and Consolidation; Turnpike Acts Continuance (Ireland); Joint Stock Banks (Scotland); Island of Tobago Loans.

3° Nuisances Removal Amendment; Slave Trade (Sherbro).

PENSIONS TO OFFICERS' RELATIVES—QUESTION.

Colonel LINDSAY asked the Under Secretary for War, whether it was the intention of the Government to extend to the mother or sister of an officer who died from illness, contracted in the field, the same allowance as was proposed to be given, under special circumstances, to the mother or sister of an officer who had been killed in action?

Mr. FREDERICK PEEL: Under the pension warrant, the mother and sister of an officer were entitled to receive a pension only in case of that officer being killed in action; but, in the event of the officer dying from fatigue, or under the circumstances supposed in the question, and if the claims of those relatives in other respects were peculiarly strong, in any such instance special consideration would be given to it, and the Secretary at War had power to do so.

COLONEL LINDSAY: That is, if he dies from fatigue. Does the rule also apply to officers who may die from cholera, or other disease?

MR. FREDERICK PEEL: Yes; in the event of any such special claim being made.

THE NEW NATIONAL GALLERY—QUESTION.

MR. SPOONER begged to put a question to the Vice President of the Board of Trade, as to the manner in which the sum of 150,000*l.* surplus from the Exhibition of 1851, and the sum of 175,000*l.*, granted by Parliament for Kensington Gore National Gallery, had been invested or otherwise disposed of, and what interest they produce?

MR. WILSON rose and suggested that this was a question that ought to be addressed to the Treasury. With regard to the 150,000*l.*, the surplus of the Exhibition fund, and the 150,000*l.* voted by the House at the end of 1852, making together 300,000*l.*, that sum had been expended in the purchase of the property at Kensington, and the greater part of it had been paid. The part that was not paid remained due, because some difficulties experienced in the completion of the deeds had caused some delay. The portion that was not paid, was invested in Exchequer bills at the interest which such securities command in the market. With regard to 25,000*l.* voted last year for the purchase of a small piece of ground which ran like a wedge into the main property, the purchase was not completed, but it was in progress of being completed, and the report of the Royal Commission, in which the matter was explained, would be presented to Parliament very shortly.

ARMY IN THE CRIMEA—THE SEBASTOPOL COMMITTEE—QUESTION.

LORD JOHN RUSSELL—EXPLANATION.

MR. DISRAELI: Seeing the noble Lord the Member for the City of London in his place, I will take this opportunity of making an inquiry with respect to a statement which the noble Lord made on Thursday night, in his speech upon a subject of great importance, and which has created much sensation. The noble Lord was understood on that occasion, in accounting for the expedition to the Crimea, to state, that one of its principal causes was the refusal of Austria to cross the river Pruth. The noble Lord will, perhaps, allow me to inquire of him what his authority was for making the statement which he did on that night?

LORD JOHN RUSSELL: My authority is my general recollection of the communications which had at that time passed between the Government of Austria and that of Her Majesty. It was not a request immediately by the Government of this country, asking Austria to cross the Pruth, but a series of communications with regard to the operations which Austria was ready to undertake, in causing the evacuation of the Principalities by Russia. There was subsequently a communication to the effect that the Austrian army being in the Principalities, in case the armies of the allies should enter the Principalities for the purpose of crossing the Pruth, the Austrian army would remain in the Principalities, and allow the passage of the allied armies through their posts for the purpose of crossing the Pruth. What I stated was only from my general recollection, but the whole of the correspondence produced in my mind an impression that they were not prepared to cross the Pruth.

MR. DISRAELI: The noble Lord will excuse my having made an inquiry of him on a subject of such great importance; I could not know that the noble Lord spoke merely from memory, but, as the subject is one of such very great importance, I may be permitted to inquire of the noble Lord the First Minister, if he will state whether it is in his memory, under the circumstances to which I have referred, that Austria refused to cross the Pruth, and that one of the reasons for the expedition to the Crimea was that refusal on the part of the Austrian Government.

VISCOUNT PALMERSTON: It is impossible to answer questions taken piecemeal from a long course of negotiations between Her Majesty's Government and one of the Sovereigns in alliance with Her Majesty. All I can say with regard to myself is, that I always thought that the Crimea was the place where the most effective blow could be struck at the preponderance of Russia in the Black Sea, and, if there had been no other reasons whatever in favour of the expedition, that reason alone would, in my mind, be amply sufficient for the expedition.

THE TURKISH LOAN.

MR. FITZROY *brought up* the following Resolution—

> "That it is the opinion of this Committee, that Her Majesty be authorised to guarantee the payment of the interest on the loan of five millions sterling, to be contracted for by His Imperial Majesty the Sultan, in pursuance of the Convention signed at London on the 27th day of June, 1855, between Her Majesty, His Majesty the Emperor of the French, and His Imperial Majesty the Sultan, and that provision be made out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, for the issue of such sums of money from time to time, as may be required to pay any interest which may at any time be required to fulfil the guarantee of Her Majesty in respect of such interest, conformably to the tenor of Her Majesty's engagement as specified in the said Convention, together with the attending charges of management thereon."

Resolution *reported.*

MR. STUART WORTLEY: I rise, Sir, because I am anxious to express my regret that the House should have been surprised into a division upon Friday night, which I believe affords but a very imperfect indication of the feeling of this House or of the country. I attended the House that evening, and I remained in it till considerably past eight o'clock. When I left, I certainly understood from various quarters that it was not intended to carry the discussion on the question beyond a conversation, and that no division was to be taken upon it. I am bound to add that, within a few minutes after that, the hon. Member for Stoke (Mr. Ricardo) stated that it was his intention to divide; but I may appeal with confidence to those who attended that day whether it was expected that a division would take place? My conviction is that, if the House had been full at the time of the division, the majority would have been much larger in proportion in favour of the Resolution. I will not contend that the House has not the right to question any convention of this nature, because, though it is the prerogative of the Crown to conduct these negotiations and to make treaties, yet it is the privilege of the Commons of England to comment upon them, and to withhold the required supplies if they think fit to do so. I admit that there is upon the face of this Convention, and of the negotiations which have ended in it, much that may be made the subject of animadversion and hesitation. I can see the difficulty of carrying out this Convention—I can see that which was urged on Friday night with great ability against the particular form of the Convention—and I can conceive the embarrassment which may possibly arise from the manner in which each party is made to guarantee the interest on the whole amount of the loan. Admitting all these circumstances, still it is with reference to the affairs of Europe at this time, and to our particular relations at this moment with the great Power which has joined us in this guarantee, that I cannot but regret the language which was held upon the occasion in question, and that it should have gone forth to Europe that the House had nearly rejected that Convention altogether, and had only sanctioned it by the small majority of three. Looking to all these circumstances, and to the extreme danger—I do not say of disturbing the alliance between France and England, because I do not believe that such a trifle would have disturbed the alliance between two such Powers—but looking to the dangers of the proceedings of Friday night being taken as an indication by the friends of Russia of a misunderstanding between the two Powers, and of a hesitation in carrying on the war, I must say that I deeply regret the occurrence. I cannot wonder at the earnestness with which the right hon. Gentleman who sat below me spoke upon the subject; but I wonder that those who have always professed themselves most anxious to assist in the energetic, powerful, and vigorous prosecution of the war, should have joined in a vote which, though it may not be misunderstood and may be well accounted for here, may have the appearance in Europe of hesitation to grant the necessary supplies for the war. I must apologise to the House for these observations, but I should be very sorry that it should be supposed in our own country or elsewhere that that small majority on Friday in any way represented the feeling of the House or of the nation.

MR. BRIGHT: Sir, I did not say anything about the loan upon Friday night, but I voted with the minority. The right hon. and learned Member will admit that I, at all events, have not been inconsistent in the course which I have taken; but I think that there is no difficulty in defending the vote which I gave upon that occasion.

There was no surprise whatever; and if the right hon. and learned Gentleman wishes to keep the people of this country or of Europe well informed of what passes in this House, he has no right to say that it was any surprise. If an hon. Gentleman chooses to go away between seven and eight o'clock, and not to come back again during the evening, is he to get up three or four days afterwards and to tell us that we who were here, as we conceive, in the fulfilment of our Parliamentary duties were guilty of something like a trick in endeavouring to get a majority against the Government? The noble Lord at the head of the Government will not say that it was a surprise, because my right hon. Colleague (Mr. Milner Gibson), some two or three weeks ago, when the loan was first whispered of, asked the noble Lord whether such a loan was to be proposed, and whether the House would have sufficient notice of it, because he believed that it would meet with considerable opposition. My hon. Friend the Member for Stoke, who was the first person who spoke in the debate, and who sat down before seven o'clock, stated distinctly that he intended to divide the House; and that determination was come to without the slightest knowledge that any single human being in the House, with the exception of three or four, would support his proposition. The right hon. and learned Gentleman, with his legal and logical mind, has himself given us reason for the course which we took. He says that he is quite aware of the magnitude and force of the objections which were raised to the loan in its present shape. But, if he is aware of them, does it not follow that some others were aware of them to an extent that impelled them to take the course they did with regard to it? And I say that neither any person in this House nor through the press has been able to shake the arguments of my hon. Friend the Member for Stoke, or the right hon. Gentleman the Member for the University of Oxford. The Press has given us all the usual stuff with which it treats its readers upon this subject, about "danger to the French alliance." The right hon. and learned Gentleman says that he has no fear about the French alliance. What if it should turn out to be the fact, not only that the alliance does not depend upon the guarantee, but that the French Government, instead of insisting upon it, had to be urged into this particular mode of accomplishing the object in view by the Government of this country? The noble Lord never showed that it was not so, although he made three speeches the other night; neither did the Chancellor of the Exchequer, although he made two speeches; and I must say that I thought the last speech of each of these Members of the Government was made against time, in order that their Friends, who had not heard one word of the arguments, might be whipped up and come down in the most docile manner to vote. The noble Lord did not tell us that there was any fear of the French alliance. Of course he threw out insinuations, and pointed out the vague shadowy dangers which he knows do not exist, except, perhaps, in his own imagination. The fact is—and we had better look it in the face—it is understood by the occupants of the Treasury bench, that when the country is at war the House of Commons is to be a shadow. There is, in fact, a disposition to deal with Parliament in the same way, that the Parliament was dealt with in another great European city. It is not to discuss questions which are concerned in the war. A few crotchetty individuals, like myself, for instance, may be allowed to express opinions; but for the majority of the House to look the noble Lord and his colleagues in the face, and to protest against the measures which they are adopting, is held to be unparliamentary, and is not to be tolerated in a state of war. If you want to know the opinions of Gentlemen upon the Treasury bench on this subject, I will give it you from a journal of great influence, which is supposed to be under the control of an hon. and very able Gentleman who sits upon that bench. Here is a paragraph which appeared in a leading article of that paper upon the 30th of December, 1854, and, of course, things are worse now—

> "It is difficult to say whether the leaders of the Radicals or the leaders of the Tories—whether Lord Derby, Mr. Bright, or Mr. Disraeli—have done most to awaken us to a perception how mischievous, at critical conjunctures, free legislative assemblies may become. The plain truth is, that Parliamentary government is, in time of war, an embarrassment, a danger, and an anomaly, and we have to thank the advocates of an extended suffrage and the supporters of rotten boroughs for making it so plain. Legislative bodies are needed for legislation and control. They are not needed, and they are not fitted for executive action, especially in moments of peril and difficulty. The seldomer Parliament meets, and the shorter time it sits during actual hostilities, the better for the country which it represents, and the better for its own dignity and influence."

Now, that is a paragraph from the *Economist* newspaper, which is supposed to be under the management of a Member of the Government. But if there is one thing that Parliament should be jealous of, and upon which the people of England, during forty years of peace, have more unmistakably expressed their opinion than upon almost any other, it is the recurrence to that system of subsidies which proved to be so useless for any practical purposes during the last war and so efficient for involving the country in debt and embarrassment. I said nothing the other evening on the subject of the loan, but I will now, without detaining the House more than a few minutes, in one or two sentences state what appears to me to be an overwhelming reason against this loan. I agree with the arguments which have been used against this loan, but there is one argument which to my mind is of more importance than any other. I fear this loan is the beginning of a course of scandalous inconsistency on the part of this country, which may lead to results which it is impossible for any one to foretell. I think that if you mortgage the revenue of Egypt then that of Syria, then that of Smyrna, the great outlet and inlet for the commerce of Asia Minor, as is now proposed, you do of necessity, considering the present circumstances of Turkey, take the first step in a direction which may ultimately lead to the partition of Turkey. I have not the slightest belief that, when it is pointed out as being apparently advantageous or desirable mode of escape from some troublesome dilemma—I have not, I say, the slightest belief that the Gentlemen on the Treasury bench, or their great ally, will hesitate to follow up this step by other steps. We all know that England has for some time been supposed to have an eye upon Egypt, and that France has been equally supposed to have an eye upon Syria; and, although these charges have no doubt been made without the slightest foundation, yet the prejudice and suspicion which run in that direction will be greatly strengthened by the course which the Government have pursued with regard to this loan. You must also bear in mind that you are professing to fight for the independence of Turkey; and yet I understand the noble Lord at the head of the Government to say, that the money which it is proposed to raise is not to be intrusted to the Ottoman Government; and, indeed, it is arranged by the Convention that there is to be a joint commission of English and French agents, and I presume one Turk, which is to have the distribution of the expenditure of the amount to be collected by this loan. Now, if you mortgage the revenue of that part of Turkey which lies to the south of the Dardanelles, and appoint a commission to regulate the expenditure of the money which Turkey finds necessary to maintain its army, I ask the noble Lord at the head of the Government, I ask any reasonable man, where is the guarantee for the maintenance of the Turkish Empire? If we could by possibility, with the knowledge which we possess of the history of the past, conceive ourselves in the Ottoman Empire and subject to its rule, with two of the Powers of the West coming and, under the pretence of defending us from an enemy, taking first the revenues of Egypt, then that of Syria, then that of Smyrna, the inlet and outlet of their commerce, and then appointing a commission to sit in our capital city to expend the money necessary to defray the expenses of our army, should we not say, the glory of the nation had departed, and with it the last shadow of our independence? Should we not say, that the nations pretending to assist us were but treacherous friends, and that they were more likely to precipitate the ruin of our country than the enemy against whom they professed to defend us? With regard to the division which took place the other evening I am perfectly ready to take my full share of responsibility. Does the right hon. Gentleman (Mr. Wortley) think, or do those people out of doors, who in the public Press write lectures to us, think, that we are mean, sneaking cowards? Are we to be browbeaten by this Press? Are we to be told by it that we do not represent our constituents aright or defend the true interests of our country? Why, Sir, on that subject we judge for ourselves, and take the responsibility with our constituents. It is not necessary for any man that he should have a seat in this House; but it is necessary that, having a seat, he should have regard to the interests of his country, and should act in the way which his own conscience tells him is most consistent with his duty. The noble Lord at the head of the Government may find that the division of the other evening will turn out very salutary to him. A few nights before a division took place, in which the noble Lord was in a majority of more than 100, and the friends and flatterers and *claqueurs* of the noble Lord, and writers of all sorts in the Press, say that that was a great and significant evidence of the confidence which the House of Commons feel in the Government of the noble Lord. Now, Sir, I do not believe a word of it. The hon. and gallant General, the Member for Huntingdon (General Peel), who moved the previous question, admitted that, if the vote had been a direct vote of want of confidence in the Government, he would have supported it; and the noble Lord (Lord Robert Cecil) who seconded the Motion, I believe, said the same, and not less than fifty Gentlemen from the other side of the House, who never pretended to have any confidence in the noble Lord, voted in the same lobby with him on that occasion. I do not say that they had not sufficient reason for the vote they gave, for, indeed, I think the question was one upon which earnest and reasonable men might honestly differ; but what I do say is that, if we are to be told that, as the noble Lord escaped on that occasion by a majority of 100, therefore his Government enjoys the confidence of this House, then, in my opinion, it was a very salutary thing that, when the noble Lord brought forward a proposition which in itself was so objectionable that only the noble Lord himself and the Chancellor of the Exchequer had a single word to say on its behalf, a division such as that of Friday night should have taken place. There were several Gentlemen who supported the noble Lord who might have said something, if they were able to say anything, in support of his Resolution; but, instead of doing so, they left the noble Lord to make three speeches and the Chancellor of the Exchequer to make two in its favour; and it is my belief that if this Resolution were put to the House without any pressure of Government necessity, it would not receive the support of ten Members who sit on the Treasury bench. We hear a great deal about endangering the Government and the French alliance; but Governments there will be when the noble Lord is no more, and the alliance with France, I trust, will endure long after the present war. Let the House of Commons do what it ought to do in spite of the imaginary fears of the noble Lord, and in spite of the browbeating so commonly inflicted by the Press of London if any one says anything reasonable with regard to the war.

MR. SERJEANT SHEE said, he was as little of a *claqueur* or partisan of the noble Lord as the hon. Member who had last addressed the House, and he thought the hon. Gentleman very much mistaken when he said that Members who had voted silently with the majority on Friday, because they preferred hearing what the noble Lord and the Chancellor of the Exchequer had to say on the subject, had no reasons to assign in support of the vote which they gave. For his part, he had very good reasons to give for his vote, which was quite as sincere and honest as that of the hon. Gentleman against the Resolution. The hon. Member for Stoke (Mr. Ricardo), to whose speech he had listened with great attention, and from whom he had derived much instruction, had certainly announced his intention of dividing the Committee; but it was not until the right hon. Member for the University of Oxford spoke, that there was the smallest reason to suspect a preconcerted intention upon the part of a strong party in that House to divide the House against the Resolution. The right hon. Gentleman was the first who, upon this Resolution, declared war against the Government. The right hon. Gentleman began by saying, that he would deal with the question entirely independently of the subject of the limitation of the naval force of Russia, of counterpoise or limitation, or four or eight ships; and the moment the right hon. Gentleman had delivered himself of that precaution, he (Mr. Serjeant Shee) understood that it was his intention to defeat the Resolution and to embarrass the Government, if he possibly could, in the prosecution of the war. He was ready to listen to the arguments which might be adduced by any hon. Gentleman against the further prosecution of the war, and he had himself expressed the opinion that one of the proposals made by Russia was worthy of more consideration than it had received; but, at the same time, when he remembered that the House had come to a unanimous vote to support Her Majesty in the prosecution of the war until the means of obtaining a safe and honourable peace should be secured, he confessed that he was surprised to hear the right hon. Gentleman, who was himself a Member of the Government which entered into the war, and who supported it until he found that it could not be carried on by the annual taxation of the country, take the first opportunity of tripping the Government, and of doing all in his power to frustrate the vigorous prosecution of the war —thereby dishonouring in the face of the nations of Europe, he would not say Her Majesty, but the honour and good faith of the Crown of England. He had voted for the Resolution, because the reasons which had been advanced against it by the right hon. Gentleman appeared to him transparently fallacious and unworthy of being advanced by a Member of that House who was a Privy Councillor, and who had lately been a Cabinet Minister. The main reasons advanced against the Resolution by the right hon. Member for the University of Oxford consisted of imputations against the good faith and honour of the allies of the English Crown. The right hon. Gentleman said that Turkey was engaged in a war, and he had put the supposition of Turkey forgetting this loan as soon as the war was concluded. Now, that was, in his opinion, a direct imputation upon the honour and good faith of one of the allies of the Crown of England. Was any such supposition warranted by facts? Why, whatever else had been charged against the Government of Turkey, a want of good faith, or a disposition to repudiate pecuniary engagements, had never been at any time imputed to her. Now, there was nothing of argument in that observation; but it was hardly becoming of one in the position of the right hon. Gentleman to throw out that taunt upon an ally of the Crown. But the right hon. Gentleman was not satisfied with attacking the honour of Turkey. "France," he said, "engaged to pay half that interest, should it be necessary; but suppose France refuses to pay her share? What right had the right hon. Gentleman to make that insinuation, which was a direct attack upon the honour and good faith of France? Such an imputation coming from a right hon. Gentleman who had only just left the councils of the Crown, so far from being an argument which tended to convince independent Members of this House, that the course he recommended was expedient, appeared to show clearly that the right hon. Gentleman had some other object in view, which perhaps he did not altogether own to himself—some other object than to support the honour and dignity of the Crown and the country in the difficult circumstances in which they were placed. But the right hon. Gentleman had other arguments, and told the House that this guarantee was worse than a loan—that it would be better to lend Turkey the money ourselves, or even to give it to her, rather than let her borrow it and England guarantee the interest. He gravely told the House that it was better to become instantly chargeable for the interest, or even give the money, than become contingently liable to pay that interest. The right hon. Gentleman must have a very low opinion of the intelligence of this House, to venture on such an argument. But, besides this, the right hon. Gentleman appeared to him altogether to disregard what was due to the character and reputation of this country in the grave and difficult position in which it was placed. We had induced the Turkish Government to enter into engagements with the persons who had lent her their money, upon the promise of our guarantee, and the Emperor of the French had been induced to become a surety for the payment of the interest upon half this loan, upon the understanding that this country would join him. Now, it was true, that in the Convention the engagement was entered into subject to the approbation of Parliament; but in what position would England be placed if other Powers could say, "How do we know we can depend upon you? How do we know that, by a majority of three or four, the most solemn engagements into which you enter (although acting strictly within the prerogative of the Crown) will not be set aside by the House of Commons?" Other Members who had followed the right hon. Gentleman had only repeated what he had said. This had been fully and sufficiently answered at the time by the noble Lord (Viscount Palmerston) and the Chancellor of the Exchequer, and he (Mr. Serjeant Shee) had thought himself quite at liberty to give a silent vote in favour of the Resolution.

SIR HENRY WILLOUGHBY said, he had voted for the Resolution because he considered it was impossible to separate the financial from the political grounds on which it stood, and because the latter counted for something in the present critical and serious position of the country. Lord Aberdeen, an advocate for peace, had launched this country into an aggressive war with Russia; and, with the exception of France, this country had no allies, nor was likely to have any. Prussia was neutral; Austria was the same, and was likely to be so, according to the meaning of Count Buol's answer to the noble Lord the Member for London after the 18th April. In what position, then, would this country be placed if the whole force of Russia should be directed on the Crimea? The best thing that could be done was to assist the Turks, who had thousands of brave men in the regions around the Black Sea eager to fight for their independence, and who only needed to be provided with the means. The best means of assisting them was to assist them with money; *per se*, therefore, the Resolution was a wise and prudent measure, and he voted for it, as he would have voted for a grant of money to Turkey. That difficulties existed he would not pretend to deny; but he thought they were exaggerated by the right hon. Gentleman, and at all events all danger of entanglement between England and France might be avoided, as by the treaty England had the power of paying the dividend on the loan herself in case of necessity. He could not see how any complication could arise, therefore; and as he thought it was the duty of Parliament to wage war as effectually as possible, he had supported the Resolution as one of the best means to that end.

MR. ALCOCK said, he had voted against the Resolution the other night simply because, having listened to the arguments adduced on both sides, and considered them according to the best of his judgment, he had come to the conclusion that a more indefensible proposition had never been laid before the House. Politically it was most objectionable, because it sowed the seeds of future dissensions with the utmost certainty; and commercially, because it was pitiful to exact a mortgage from so wretched a country as Turkey for a debt which she would be quite unable to defray. If the allied Powers were really desirous of assisting Turkey, instead of granting a loan, let them give her the sum of money which she required as a free gift. He did not deny that Turkey might stand in need of assistance, but he objected to this Convention because they were calling upon Turkey to give a security which, though it might be the best she had it in her power to give, was in reality of no value at all. It was not a question of Turkey's desire to be honest—she had not the power of being so. He had no doubt that the people of this country would be quite willing to support a proposition for giving to Turkey a sum of 2,500,000*l.*, our share of the loan; but it would be useless, in this pitiful manner, to grant a loan of which there was no prospect of getting back either the interest or principal. Already the Asiatic army of Turkey had been inadequately supplied with food, clothing, and money, for the simple reason that it was out of the power of Turkey to supply the means of keeping it upon a proper footing. If this money were voted as a free gift, the allies would have a right to call upon Turkey to attend more closely in future to that army, and the result might be an expedition to Georgia as successful as that which the allies undertook a short time ago in the Sea of Azoff.

MR. J. L. RICARDO said, he had been quite willing to rest under the imputations and misrepresentations which had been made out of doors with regard to his conduct upon the Vote of Friday night; but when the right hon. Gentleman the Recorder for London deliberately rose in his place and accused him of having taken the House by surprise, he felt called upon to address a few remarks to the House in reply. In the first place, he believed that if ever a division had been fairly announced and fairly taken it was that on Friday, and he ventured to assert that, if there had been any wish to deal with the subject unfairly, a large majority on their side might have been secured. From the soreness which had been exhibited upon this question by those who had voted in the majority, he could not help thinking that they had less consciousness of right than they wished to be supposed, and that they felt that the argument was on the side of the minority, and that the only argument which could be used in support of the Convention was, that it was already made, and that therefore the House must vote for it. Now that the country was at war, he, for one, was most anxious that it should be carried on with energy. There was no sacrifice that ought not to be made to carry it on with vigour; but, at the same time, peace was worth all the wars in the world, and no exertion or sacrifice would be too great that would secure it. If he had thought that the vote which he gave on Friday would injure the cause of this country in the slightest degree, he should have refrained from recording it; but he had given it because he conscientiously believed that this Convention would not aid or assist in the accomplishment of the objects which the country had at heart. He believed that he was right in the course which he had taken, and he did not see why, because he happened to differ from hon. Gentlemen on either side of the House, he should have motives and designs attributed to him to which he was no party whatever. In guaranteeing this loan to Turkey the House had taken a most unwise and impolitic step. They had taught her to depend upon the resources of her allies rather than upon herself, and hereafter, instead of making a struggle to help herself, she would depend entirely for support upon England and France. It was said that the object of the war was to secure the independence of Turkey; but were they taking the proper mode of securing her independence? They had been told that if they had gone to a vote an hour or two before they did on Friday night the alliance with France would by this time have been dissolved. Having always understood that the alliance between this country and France was strong and cordial, it was certainly with great surprise that he was now told that it would be inevitably dissolved if the Parliament of this country refused to subsidize Turkey. He had opposed the Vote on Friday because he was altogether opposed to the principle of subsidies; but he believed that the greater portion of those hon. Gentlemen who voted with the minority objected not so much to the Convention itself as to the mode in which the arrangement was proposed to be made. Would the noble Lord tell him that, because Parliament expressed an opinion that it would be better that this loan should be carried out in the same manner as the Greek Loan, a *casus belli* would arise between England and France, and that an end would consequently be put to the existing alliance? He must confess that he did not believe that the alliance between the two countries hung upon so slender a thread, and that he was satisfied the Government of France would most willingly have reconsidered the subject. He protested against the doctrine laid down the other night by the noble Lord (Viscount Palmerston) and the Chancellor of the Exchequer, that the appeal to the House of Commons for its sanction to a measure of this kind was a mere form. If the money of the taxpayers of this country was to be diplomatised away without any expression of opinion on the part of the House of Commons, that House might as well at once abdicate its functions with reference to questions of this nature. He must remind the House, however, that it was distinctly stated in the Convention that Her Majesty merely undertook to recommend to her Parliament a grant of money for the purposes of this loan. If the Legislative Assembly of France had refused to assent to the loan, did anybody suppose that the people of England would have considered the alliance at an end. He did not regret the vote he gave on Friday night, and was willing to bear the responsibility of that vote before his constituents and the country. He protested, however, against the accusations which had been made against those hon. Members who voted in the minority, and the motives which had been attributed to them. He was satisfied the Vote on Friday would not be without its fruits, but that it would show the Government that they could not give away the money of the people of this country by Conventions with foreign Powers without encountering some opposition from Parliament.

MR. DEEDES said, that, whilst the hon. Gentleman took credit for being actuated by patriotic motives, he insinuated that some Members of the majority regretted the course they had taken, and that if they had the same opportunity again they would not vote in the same direction. He for one protested against that interpretation being put on his vote. They had satisfied their own consciences in voting as they did, and they were not afraid of meeting their constituents upon it. For himself he should repeat the vote he had given on Friday, if he had the opportunity. He did not, at the same time, entirely approve of the terms of the loan. He thought the political considerations involved were of greater moment than the financial. The financial was but a prospective difficulty, whilst the political one appeared to be imminent, and to some extent unavoidable. If the vote had been the other way, he thought the Government would find itself placed in great difficulty with the French Government.

SIR DE LACY EVANS said, he thought the Vote of Friday night had substantially taken many hon. Member by surprise. It had come by surprise on him. He did not vote at all, but if he had thought that the consequences would have been so serious as it now seemed to have been, he would have given his vote in unqualified support of Government. It had been said that lending money to Turkey was only a means of rendering her dependent instead of independent, and they had been told a great deal about the superiority of Russia over Turkey. England was, year by year, paying interest on a loan of 3,000,000*l.* to Russia, and he had never yet heard that that country was becoming dependent. Everybody must remember the excellent service which the troops of Portugal rendered to our army in the Peninsular war. Their troops were maintained by loans, the distribution of which was superintended by a British Commission sitting at Lisbon; and he saw no reason why the same mode of proceeding should not be adopted now in regard to Turkey. In the present state of the Turkish army, any delay in sending this money would be most injurious. Some hon. Members had called in question the honesty of Turkey; but there was no country in Europe which had given less ground for such an imputation than Turkey. It was a country which had less public debt than any other country in Europe. During the present war Turkey had made great efforts; she had organised her regular army, and her artillery was in the highest state of efficiency. Assuming that the noble Lord would take proper precautions for the due application of this money, and that the money would be applied to legitimate purposes of war, he could not see any objection to the loan. He must give his support to the proposition, although, perhaps, there might be some unfairness in allocating particular duties for the repayment of the interest.

MR. LAYARD trusted that, as he was one of those Members who were not aware the other evening that a division of such importance was about to take place, he should now be allowed to say a few words. He hoped that the right hon. Gentleman, the Member for Oxford University, would forgive him for expressing his conviction that the course he had taken on this subject was alike unwise, unstatesmanlike, and unpatriotic. Let the House look to the facts. That section of the Cabinet of which the right hon. Gentleman was a most distinguished ornament was perhaps mainly the cause of the present war, owing to the vacillating policy it had pursued. That Cabinet launched this country into the enterprise in which it was still engaged, the despatch which ordered our troops to the Crimea having been signed by the Duke of Newcastle; and now, when he stood in great straits, the right hon. Gentleman and his friends were the first to turn round and embarrass the Government. The right hon. Gentleman could not have adopted a more effective mode of furthering the designs of our enemy than he had done. Supposing the opposition to the guarantee had been successful the other night, what would have been the effect upon Russia? Why, St. Petersburg would have been illuminated, and universal joy have been spread throughout the length and breadth of Russia. And what, on the other hand, would have been its influence upon Turkey? The Turks would have been disheartened, and would have thought this the first step towards our deserting them. He would say nothing of the effect of such a vote upon our ally across the Channel, but he believed it would have been most disastrous. But he held the right hon. Gentleman responsible, to a certain extent, for the embarrassments of Turkey. About two years ago the Porte wished to raise a loan herself in this country; and she might have done so on favourable terms, the market having then been well supplied with money. He (Mr. Layard) then entreated the right hon. Gentleman to say one word in support of the credit of the Turkish Government; and if something of that kind had passed, Turkey might have raised a loan without coming to our Government at all. The right hon. Gentleman, however, being at the time a Member of the Government which was about to embark in a war in defence of Turkey, made a speech at Manchester, in which he declared that the Turkish Empire was falling to pieces, that it was a country which we could not support, and one that was rapidly sinkin under the fate which the Emperor of Russia had ascribed to it—namely, that of "the sick man," who was dying fast. That speech would have been enough to destroy the credit of Turkey in this country, and to prevent her Government from obtaining the loan which it might otherwise have raised. It was true that at the commencement of this war Turkey was in some pecuniary difficulties; but why so? Because she had made considerable exertions in time of peace to place herself in the rank of civilised European States. With this view she bought up all her old coin, and took other steps in improvement which had incidentally caused some embarrassment to her finances. She had also made great and successful efforts in organising her army, which had necessarily entailed upon her considerable expenses. The course pursued by the hon. Member for Manchester was not so open to censure, because it had at least the merit of consistency, that hon. Gentleman having plainly told the House that he would endeavour to embarrass the Government in the conduct of the war. Now, no doubt a joint guarantee of a loan might be exceptionable in form; but considerations of statesmanship outweighed minor objections of that kind; and certainly it could not have been expected that a division would have been insisted on upon such a question. Two classes of objections had been stated to this guarantee—one relating to the honesty of Turkey, and the other based on her want of resources. Now, the fact was, Turkey had never yet repudiated a debt that she had contracted. She might not have satisfied every extortionate demand, but she had faithfully liquidated every shilling she had ever undertaken to pay. Indeed, Turkey was not only perfectly honest, but was even generous in her pecuniary transactions. In some instances the Turkish Government had been actually defrauded and imposed upon; and, in the case of the Tripoli claims, particular merchants received sums to which they had no sort of right or title. With regard to the resources of Turkey, he would take the liberty of reading interesting extracts from two letters which he had received from a gentleman who was better acquainted with the state of that country than perhaps any one else that he knew. The first letter was dated Samsoun, the 30th of January, 1855, and said—

> "The war, no doubt, has stimulated the trade of this place; the necessities of our army and the closing of the Danube and Odessa have created a great demand for grain here; this will cease to a certain extent, when the extraordinary causes which have produced it shall be terminated by peace. But my belief and hope is, that the trade created and fostered by the war will not cease with the war; the people of the interior have learnt to send their produce hither for sale, and have gained so largely that they have been tempted to extend tillage to the utmost in their power. The forests behind us are being cleared, and, as men are scarce, the women are used to cultivate the land. This immense increase of production must come hither for sale, as the interior has no consumption for it. I have been quite surprised to learn the riches of some of the landed proprietors in Asia Minor—one Bey offered to give in one sale 30,000*l.* worth of wheat, all stored and ready for delivery! This, probably, was the proceeds of two or three years' harvest, but still I am surprised that such riches should still exist among what may be called the landed gentry of Anatolia—the real aristocracy, in fact, of the country—out of which something may, perhaps, some day be made. . . . Anatolia possesses enormous resources, which our Commissariat would have done wisely to avail itself of much more largely than it has done."

The second letter bore date Samsoun, the 15th of June, 1855, and stated—

Mr. Layard

> "Asia Minor is fulfilling your predictions. It has become one of the chief producers of supplies to the allied armies, especially Samsoun. Our harbour is crowded with shipping loading animals and grain. The quantity of bullocks in this country is extraordinary. We have delivered as many as a thousand a week to the Commissariat, and might give many more if required; but we suffer rather from too many beasts than too few. Steamers are constantly coming in — French, English, and Turkish, for supplies * * * * I have made large purchases of horses, mules, and camels for the land transport; and we are sending off great quantities of firewood for both armies. * * * * There is no doubt that from this the three armies will receive next winter a very considerable proportion of their supplies of all descriptions—animals, barley, wheat, straw, and hay."

This description was applicable, not to Asia Minor alone, but to Turkey in Europe. What the noble Lord (Viscount Palmerston) said the other night was strictly true—no country had made such rapid progress as Turkey had done within the last fifteen years. In 1839, when he went to Turkey for the first time, there was scarcely a steamer in the Black Sea. Since then a trade had been opened in every port, and companies now ran their vessels to Trebizond, Samsoun, Varna, and other places. What Turkey most required was roads. ["Hear!"] The hon. Gentleman (Mr. Bright) cheered that statement, but what were the facts? About two years ago the Turkish Government was on the very point of signing with a British firm of great eminence a contract for the construction of a railway from Belgrade to Constantinople, with branches to other points. That railway would have developed the resources of the country, and quadrupled, perhaps increased tenfold, the revenue of Turkey; but its construction was prevented by the Austrian Minister, who declared that such an undertaking would meet the strongest opposition of Austria, and would be regarded by her as an act of hostility towards her; and it was consequently abandoned. Again, in Asia Minor, the Turkish Government was on the point of constructing a road from Batoum to Kars, but was prevented by Russia. What Power had prevented Turkey from uniting the Danube with the Black Sea? Why, Russia again. The fault therefore was not attributable to the Turks. It was to repress such interference that the present war had been mainly undertaken, in order to permit Turkey to develope her resources, which were so great that a trifling debt of 5,000,000*l.* could be easily met. At present that country had no debt to bear, but he believed that to some extent a national debt was an advantage, because it interested the holders of the debt in the welfare of the country. [*A laugh.*] The hon. Gentleman laughed, but he (Mr. Layard) was reminded of the case of the Turkish pachas who committed all sorts of atrocities against the inhabitants of the district which they governed, but they could not be removed because they always owed money to Christian bankers, who said to the Porte, "You cannot remove this man, or we shall lose our money;" and yet these very Christians were the people who complained of the injustice and oppressions of the pachas. He was of opinion that by the neglect with which this country had treated Turkey the resources of the latter had been seriously crippled. In Asia Minor, by our neglect, we had suffered Turkey to be deprived of her valuable trade with Persia, and he feared still worse consequences would follow. Two years ago he had entreated the Government to keep its eye upon Asia Minor, and the noble Lord the Member for London, at the beginning of the year, assigned as one reason for quitting the late Government that his (Mr. Layard's) representations upon that subject had not been attended to. Yet the noble Lord had since then held office, but no steps had been taken upon that subject; but, on the contrary, everything had been done to prevent the Turkish Government from doing anything in Asia Minor. He (Mr. Layard) looked with alarm at the probable consequences of such conduct. If the Russians succeeded, as he feared they would, in taking Kars, the whole of Asia Minor would be in their hands. Then, how could we propose terms of peace? If we took Sebastopol, and would not allow the fortress to remain, or to be reconstructed, the Crimea would be useless to Russia, who would say, "We don't want the Crimea, because we have a material guarantee for the whole of the East in Asia Minor." He earnestly entreated the attention of the Government to this point as one of the most vital importance, upon which account he had referred to it on the present occasion, although it was not strictly connected with the subject under discussion.

MR. GLADSTONE: Sir, the hon. Gentleman has just been pleased to say that, in his judgment, my conduct, in respect to the Turkish loan, has been unwise, unjust, unstatesmanlike, unpatriotic, and has applied, I think, all the epithets which are to be found under that particular heading in the dictionary. I will not discuss matters of general opinion in detail with the hon. Gentleman, so far as regards the present war, because I am bound to say that, with respect to this particular subject, with the views he entertains and the part he has taken as to the present war, both in bringing it about and in increasing its virulence, I regard the use of those epithets concerning my own conduct only as compliments. I have no objection, however, to tell my hon. Friend what was the origin of my speech at Manchester in 1853, to which he has referred. At that time the war had not broken out, but, on the contrary, there was the greatest hope that hostilities might be avoided. It was before sending out those rational propositions on the part of Turkey to Russia, which were settled at the latter end of 1853, and which were madly refused by Russia. At that time there were gentlemen in this country, of whom I think the hon. Gentleman was the chief, who appeared to me to be propagating most dangerous delusions with regard to the state of Turkey. Of course the hon. Gentleman will not understand that I impute to him anything beyond a perfectly sincere fanaticism; but, unless I am much mistaken, the hon. Gentleman was the most powerful witness, on account of his knowledge of Turkey, who filled the minds of the people with false ideas and with expectations which must be bitterly disappointed. That bitter disappointment is now arriving; but the statements of the hon. Gentleman had great influence in propagating those erroneous ideas of the condition of Turkey, and I thought it my duty to do what I could to give the public more accurate information on the subject, and to endeavour to lessen, if I could not altogether destroy, the influence of those erroneous views as to which the country is only now beginning to be undeceived. So much for matters of opinion; and now as to matters of fact. I thought I might have had some common ground with the hon. Gentleman. He said he was taken by surprise on Friday, and he did not anticipate there would be a division. That was what he said. Now, here I deal with a matter of fact, and it is certainly very strange that, as the hon. Gentleman anticipated no division, he should have paired upon this particular question with an hon. relative of mine, and should have been himself the person who acquainted me with the fact that he had made that convenient arrangement. However, not having found it convenient to be in his place on the occasion when the subject was rather fully discussed, he has joined with my right hon. and learned Friend (Mr. S. Wortley) in the somewhat unusual course of delivering a rebuke to Members of this House for the line of conduct which they thought fit to pursue in going to a division upon a matter in which my right hon. Friend himself admits they made out a strong case. My right hon. Friend fully admits — every Member of the House admits—that this engagement is a bad one. There is—and I beg to impress it on the Government, for it will have its effect upon the country —there is not one man in this House, with the exception of the First Minister and the Chancellor of the Exchequer, who has stood up to defend this arrangement. The hon. Baronet the Member for Evesham (Sir H. Willoughby), one of the fairest and most impartial men in the House, says my objections to the measure are greatly exaggerated, but he thinks there is considerable force in the objections urged. And then, again, we are told there was a preconcerted movement on the part of the Opposition on Friday night. The learned Serjeant (Mr. Serjeant Shee), who has paid me the high compliment—for such I consider his answering upon a subsequent occasion, a speech which he himself heard delivered on a former night, when having indulged his intellectual exercitations he left the house—the learned Serjeant says, that there was such a preconcert was evident from my speech. If there had been any preconcert between me and any hon. Member I should have been the first to avow it, for it appears to me that nothing is more natural than that those who agree together should vote together, and when they intend to do so should know each other's intention. But in this instance, the active imagination of the learned Serjeant has misled him, for the fact is that on Friday evening before the debate began I asked the hon. Member for Stoke (Mr. Ricardo) whether he intended to divide against the Resolution, and his affirmative reply was the first knowledge I had upon the subject of a division; the second knowledge of it which I received was the announcement of the hon. Gentleman the Member for Aylesbury, that he paired on the question, who now complains he was taken by surprise. Well, he says my conduct is unwise, unjust, unstatesmanlike, and unpatriotic; and for what? For agreeing with him, the hon. Member for Aylesbury. If he does not choose to agree with me, I, nevertheless, do agree with him in his emphatic denunciation of what I look upon as the most important part of the arrangement — namely, the joint guarantee. That proposition of the Government has been condemned by him, it has been condemned by the hon. Baronet opposite (Sir H. Willoughby), it has not been defended by the learned Serjeant (Mr. Serjeant Shee), it has been condemned by my right hon. Friend behind me—condemned right and left, front and rear—defended by two Ministers of the Crown, and by no one else. Now, Sir, I am not going to retaliate upon those who have attacked us—I am not going to find fault with the hon. Baronet, or with any one else who voted in the majority; I am here to state fairly my opinion in this time of difficulty, not to pass censure upon those who judge differently from myself, and who have thought proper to support the Government in the proposition which they have made. I am here to say that the course we took was one that we had a right to take, and one that was in conformity with the spirit of the constitution, and which is supported by the practice and precedent of Parliament. Did my right hon. and learned Friend who has censured us consider whom he was censuring? Did he take the pains to investigate previous questions of this kind, and does he really know what are the privileges and functions of the House of Commons? [Hear.] The right hon. Gentleman cheers me, as if he thought that what he had done was within the ordinary discretion of a Member of Parliament; but it is not in the ordinary discretion of a Member of Parliament to absent himself at a particular stage of a measure, when it was fully discussed, and to come down to a subsequent stage and complain of the conduct of the minority of the House on the stage at which he was absent. Have we not a right at any time to express a decisive and deliberate judgment upon the principle of a measure, and is that a right to be asserted in the abstract, and never to be put in practice? If it is to be put into practice on any occasion, can there be a fairer or more just occasion than one in which almost every individual Member of the House has concurred in condemning the plan of the Government? I am sorry to be obliged to produce the law—such as it is—upon this question; but in 1795, in an unreformed Parliament, and at a time when Mr. Pitt, with his huge majorities, was carrying everything with a high hand, he proposed one of these guarantees the bitter fruits of which the nation had not then experienced. Did Mr. Fox bend his neck to the serville doctrine? Did the Whigs of that day consider the great inconvenience which was to result from the free assertion of the privileges of the House of Commons? On the contrary, every stage of that Bill was debated, and three times the voice of the House was called for on the principle of the measure. You say, look at the consequences. Well, Sir, I should like to know whether there has been any occasion of this kind, except under the gravest circumstances? What was the object of the guarantee of Mr. Pitt? It was to induce the Emperor of Austria to keep 200,000 men and upwards in the field against France; but that such was his object did not restrain the representatives of the people from exercising their independent judgment upon the matter before them. Is that all? Let us go a little further back, and the further you go back into history, the more you will find that this House is not to be deterred from the exercise of its rights by censures and imputations of this kind upon those who choose to exercise them. In 1714, after the peace of Utrecht was made, along with the papers respecting the peace of Utrecht there was presented to the House a commercial treaty with France—a commercial treaty forming part of the general pacificatien of Europe—a commercial treaty, therefore, which formed a portion of an arrangement yet more comprehensive and yet more pregnant with momentous results than the arrangement which is now before us. That treaty, however, contained provisions respecting the taxing functions of the House of Commons, respecting the duties upon importations from France, and the House of Commons, 141 years ago, thought itself free and took the liberty of rejecting those articles of the commercial treaty, and threw out the Bill that was introduced for the purpose of giving them validity. Therefore, Sir, while I do not in the slightest degree censure those who take a different view, but frankly admit that the case is one of real and great difficulty, I say that it ought to be treated as one of those fair occasions on which a difference of opinion may prevail, and that it ought not to be taken out of the category of ordinary questions, and made the subject of a retrospective lecture. Sir, I will refrain from touching on any part of this question which might impugn the conduct of Her Majesty's Government. They have not entered into this discussion, and I shall be satisfied if they leave it to us. But the hon. Member for Kent (Mr. Deedes) has said that he admits the force of my financial objections, but he thinks that I ought to take a political view of the case, and that, if I take a political view of the case, I should see that the embarrasment that would result from our relations with France, from the rejection of this Convention, are so serious that my financial objections would be overborne by them. But my hon. Friend confounds financial and political with present and future. I appeal to those who heard me whether my speech was a speech founded on financial objections. I stated, indeed, that, financially, I looked upon this measure as deceptive, but it was the political objections upon which I laid, and shall ever lay, the chief stress. The financial mischief may be limited within the figure of 5,000,000*l.* which, great as it is, can well be borne by the gigantic resources of this country. The political objections of the measure are those upon which I dwelt, and I must tell my right hon. and learned Friend who spoke of the French alliance, that in my opinion he has not well considered the bearing of the subject on the interest of that alliance. Is that an alliance of to-day and to-morrow, and not the next day? Is it our duty to provide some hand-to-mouth arrangement that will keep it straight for the present, and leave the future to shift for itself? Are we, the Members of the House of Commons, on the plea of present inconvenience, even if the exaggerated inconvenience which has been conjured up to alarm us exists, to become deliberate and silent parties to a plan so impolitic and so improvident that in every line of it it is full of the seeds of future difficulty and possibility of division? The hon. and learned Serjeant says I spoke as if the practical good faith of France was not to be trusted. The hon. and learned Serjeant certainly says he was present when I spoke, and therefore I presume he was; but I do not recollect to have used a single syllable casting a shadow of suspicion upon the practical good faith of France, which, in my opinion, is entitled to stand as high—and I can say no more—as our own national good faith in pecuniary matters. But, Sir, I ventured to put to the House on Friday many questions as to the cases that might arise in the interpretation of this Convention, or that might arise on the guarantee, for I did not confine myself to the questions of to-day. This is an arrangement for future generations. Let Turkey fulfil her engag, ementsand I dare say she will if she is able, but that I look on as a matter of considerable doubt—let her, however, fulfil her engagements, and the Convention that we are now discussing will not be wrought out in less than thirty or forty or fifty years; and, consequently, for forty or fifty years, if you are to maintain this joint guarantee, we are to be in those relations with France which we cannot guarantee ourselves. It has been said by moralists that those who wish to avoid sin should avoid the occasion of sinning, so a nation that wishes to avoid a quarrel should avoid the occasion of quarrelling. Here is a Convention, however, which creates and husbands the opportunities of quarrelling; and when I asked what was to be done in the cases that would arise under the Convention, in the case of one party wishing to recover from Turkey, and the other unwilling, or in case of one party obtaining satisfaction and the other not, although we were favoured with two speeches from the Chancellor of the Exchequer, and rising in number, according to the dignity of the Speaker, three from the noble Lord at the head of the Government, they could not find one word in answer, or tell us what course we could take, what rights we were to exercise, and what to insist on under the arrangement of this joint and several guarantee. I do not think, then, that my right hon. and learned Friend is justified in the animadversions he has made on the conduct of the House on Friday night; but, after all, the main question is the practical question before us. I hope that Her Majesty's Government, upon whom I call at present for no declaration of opinion, inasmuch as I think there is no intention to-night on the Report to test the judgment of the House by a division, to bear in mind this remarkable fact—and I believe I am strictly borne out in the assertion — that though there is great difference of opinion—and for my part I do not wonder at or complain at the difference of opinion—as to the propriety of voting for this Convention, yet there appears to be no difference of opinion whatever upon the prudence, the wisdom, or the expediency of the terms of the Convention. I hope that if there are hon. Gentlemen in this House who think that this is a wisely devised and constructed arrangement they will rise in their places and say so. In this House such is the freedom of debate, and such the variety of the constitution of the human mind, that, if it be desirable so far to deviate from the common line as to form a particular class of opinion in favour of a particular measure, here you are sure to find it. But although we are almost a menagerie of curiosities in matters of opinion, yet still of one particular class, up to the present moment, we have not got a specimen—namely, of a non-official man who approves, upon its merits, of the terms of this Convention. I entreat my noble Friend at the head of the Government, to see what he can do for the improvement of this arrangement. I know perfectly well that he is placed in a difficulty after what has taken place; at the same time I think that he and his colleagues, unless I have greatly underrated their abilities and discernment, will plainly see that the imputation of faction, pre-concert, and charges of that nature are not enough to account for the proceeding of Friday. I entreat him to consider well, in the interval of the two or three days which must elapse before we can come to the consideration of the details of this Bill in Committee, what he can do to institute proceedings in the way of negotiation for moderating some of the more serious evils and getting rid of the more formidable dangers which may attend the working of this Convention. So far from being ashamed of the vote I gave on Friday evening, I believe that those who voted as I did on that occasion have been of service to the country; but I for one am not disposed to push this matter to extremes. I am disposed to admit that there is some part of the mischief of this arrangement which we must tolerate. The most virulent and most acute portion of the poison lies in that political aspect of the question on which I have raised my chief objection, which springs from the joint guarantee, and from which I anticipate the greatest dangers to the alliance with France, which I hope will long outlive the miserable complications of this war. Without, therefore, asking for any specific pledge on this occasion, and without reference to the squabble in which we, the *Dii Minores*, have been involved, I would ask the noble Lord whether he cannot do something to free the measure from some of the more serious evils which have been anticipated from it? And I will only add that if he is successful in devising any measure by which that end can be accomplished, he will confer no small or insignificant service on the country.

MR. STUART WORTLEY explained. His hon. Friend seemed to think that he had had the presumption to express censure on the Members of the House; but if anybody had thought it worth while to report fully what he had said, it would be found that he had expressed no such opinion. He only said that the House had been taken by surprise by what had taken place on Friday night, but he had imputed factious conduct to nobody.

MR. JOHN MACGREGOR said, he did not consider that the annual interest of this loan was a very serious matter; but he thought it would have been much better and wiser if France had guaranteed 100,000*l.* of that interest, and England the other 100,000*l.*; but as the terms of the Convention stood, England might be called upon to pay the whole. The refusal to accede to this proposition would lead to very serious results from the statements which would consequently be made in Russia. He looked upon the division on Friday night as a great moral error on their part. He believed, although the Convention had been entered into, that it was still open to the Government to enter into arrangements with France as to their guaranteeing each half of the loan. He believed that every shilling that Turkey borrowed she would pay; and he, for his part, would sooner trust a Turk with 100*l.* than a Greek with 5*s.* He wished that they would show to foreign countries that they could settle this matter independently of any party considerations.

MR. KIRK said, after the observations of the hon. Member for Manchester he felt bound to state his reasons for voting as he did on Friday night. The first reason was, that the French maintained an army of 120,000 men in the Crimea, while the English army did not exceed 30,000; and, therefore, if the whole sum of 5,000,000*l.* were paid by the English it would be nothing more than was reasonable, in order to make up the difference between the expense incurred by this country and that incurred by France. The second reason was, that this nation was much more deeply interested in the war than the French nation, because one object of Russia was to move in the direction of India. As to the prudence of the terms of the Convention he did not profess to be statesman enough to judge; but for the reasons which he had given he had a perfect right to vote, as an independent Member, in favour of the Resolution.

MR. LAING said, his vote was given without any previous concert with any other Member before he entered the House, and he would leave it to the country to judge whether he did wrong in endeavouring to stop, by his vote, what he believed to be the most dangerous and vicious system of guarantees at the outset. He believed that they (the minority) had taught the Government a useful lesson, stopped the mischief at the fountain head, and done good service to the country. It had been imputed to the minority that they had shown a disregard for the French alliance. Now, what was the simple history of the vote which he gave? Strongly as he felt the financial objections to the loan, the main objection which occurred to his mind was that the particular form of guarantee proposed was one which involved great difficulties and complications in their future relations with France. He could not for a moment imagine that the Emperor of the French, acquainted as he was with the institutions of this country, knowing that the House of Commons habitually and constitutionally took cognisance of questions of this kind, would have taken umbrage at the House of Commons for exercising their constitutional privilege to the extent of saying that assistance should be given to their Turkish ally in one form rather than another. No Member of that House felt more the importance—the absolute and vital necessity—of maintaining unimpaired the French alliance, than many of those who voted in the minority; but he would tell the supporters of the measure that the danger to the French alliance did not arise from a fair and deliberate expression of opinion on the part of the House of Commons, but from the clamour and agitation and pressure from without to which the House of Commons might in an incautious moment be induced to give way. The alliance with France was cemented by too many ties of interest to be disturbed by a fair, and frank, and constitutional expression of opinion on the part of the House of Commons; but if that House, yielding to a pressure from without, urged on France to a course which she disapproved, he should tremble for the French alliance.

Mr. CAYLEY said, that an hon. Member had said that no independent Member had supported the proposal of the Government. He had only to remind the hon. Member that it was not usual for independent Members to get up and support proposals for taxation. After listening to the objections to loans, to subsidies, to guarantees—to the objections of the party for peace at any price, and to that of the party for peace at half-price, he saw the difficulties of the question, and felt inclined to wash his hands of the matter altogether. Considering all circumstances, he thought the Vote was a most perilous one, and that although there might be objections to the financial plan it did not appear to him that those objections at all counterbalanced the dangers and difficulties they encountered in opposing the proposition. In his opinion it was not desirable at present to have a change of Government, and though he agreed with the hon. and gallant Member for Westminster that the conduct of the present Government was not quite satisfactory, yet considering the period of the Session, the state of our alliance with France, and the condition of affairs in the East, he thought it would be a most perilous thing to reject the Resolution of the Government, and for the whole loan itself he would not have incurred the responsibility of opposing it. One form of Government had already received a severe shock in the opinion of foreign countries, and he did not think it would be at all wise to change the Administration just at the moment when they might be expected to apply most effectively the plans and arrangements they had made. They would be judged by their works when the House met after the recess, and he could tell the noble Lord that he (Mr. Cayley) would be one of the most severe judges on his proceedings if the war were not carried on with the vigour and energy which might be expected from a Minister who had such immense resources placed at his disposal.

Mr. CROSSLEY said, he always voted in favour of the Government of the day if his conscience permitted him to do so, and he utterly denied that in the vote which he gave on Friday evening he was actuated by factious motives. He thought that if they were not to be permitted to vote on the merits, the Executive should be permitted to decide on such subjects, and not bring it within the power of the Members of the House to say aye or no to them. He objected, in the case of nations, as well as of individuals, to entering into any bond; and he thought that, if Turkey were really in the prosperous financial condition described by the hon. Member for Aylesbury, the best course to adopt would be to allow her to raise the money she required herself; at all events, if we were to advance money to her, we ought to retain some control over it. It was, no doubt, desirable that this country should be on good terms with Turkey, but it was of much greater importance that it should remain on good terms with France, and in his opinion the complications which might arise out of a joint guarantee might tend to disturb the good feeling which at present so happily existed between the two countries. In his opinion the division of Friday should be a warning to the Government not to enter upon a similar course in future, and he could only say that although it was not his intention to continue to oppose the Resolution before the House, still he should feel it to be his duty to give to any similar Resolution his decided opposition.

Mr. MUNTZ denied that in the vote which he had given on Friday evening he had been actuated by any other motive than a desire to take that course which he deemed to be best for the interests of the country. He had to look at the question of the proposed guarantee not only with reference to its own merits, but in connection with the complicated circumstances by which it was surrounded; and regarding it in that point of view, he voted not so much in favour of Her Majesty's Ministers, as of the union which subsisted between England and France. He must also observe that the nation for whose use the money was to be guaranteed was not one which had been lavish in her expenditure, as was proved by the trifling amount of her debt; while, so far as Turks individually were concerned, he should add, that, having had many business transactions with them, he had never lost a shilling by them, but had always found them most honourable and fair in their dealings. He thought therefore that there was a very good prospect for the repayment of the money.

Mr. PHILIPPS said, he looked more to the political than to the financial embarrassments which might arise, and thinking that those political embarrassments would be more likely to arise from rejecting the Resolution than from agreeing to it, he had on Friday voted in its favour. As far as financial embarrassments were concerned, if the worst came to the worst, the whole thing might be set right by paying the money; but by rejecting the Resolution embarrassments of a much more serious character, and not so easily arranged, would be very likely to arise.

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. FitzRoy, Viscount Palmerston, and the Chancellor of the Exchequer.

THE ARMY IN THE CRIMEA—REINFORCEMENTS—QUESTION.

On question "That Mr. Speaker do now leave the Chair," in order that the House might go into Committee of Supply,

Mr. PALK rose, pursuant to notice, to call upon the Government to give some explanation of the measures which they had taken to reinforce our army serving in the Crimea. The hon. Member said that in entering on the subject he had no wish to ascertain from the Government the exact number of men or the amount of ammunition, shell, and shot which had been sent, or which were intended to be sent out to the seat of war. He desired, however, to obtain some information as to what were the intentions of Her Majesty's Ministers with reference to the energetic prosecution of the war, and whether they intended to carry it on as befitted a great nation, powerful in all the means and appliances of war; or whether reinforcements were to be dribbled into the Crimea, consisting of young men unfitted for the duties they had to perform? He found that the forces of this country, when engaged in war in the year 1813, had amounted to a total of 228,000 regular troops, besides 28,000 British soldiers in India and those who served in the militia, &c., making a total of 949,000 men under arms. Of that large force 749,000 men were drawn from the British islands. Now he was not aware that since the year 1813 there had been any falling-off whatever in the resources of this great empire; on the contrary, he should contend that from the period to which he referred up to the present moment England had progressed largely in population and in wealth, while she enjoyed the advantage, if advantage indeed it could be called, of a reformed Parliament. That being the case he could see no good reason for the difficulty said to be experienced in reinforcing our army. He found by certain returns which he held in his hand that the number of our troops was still 40,000 men under the number for which a Vote this year had been taken in the Estimates; while the number of the militia force was only 52,835 men, notwithstanding that provision had been made in the Estimates for 135,323. Now he could not perceive that any measures had been adopted by the Government for the purpose of remedying that state of things; and he believed that the services of those militia regiments which were willing to serve, not only in the Colonies and the Mediterranean, but also upon the shores of the Crimea, had only in a few instances been accepted. He was not, indeed, aware that we possessed anywhere a reserve by which we might obviate the consequences of any disaster which might fall upon our gallant army at the seat of war. The whole force of the Emperor of Russia was now being concentrated in the Crimea, to cope with that body of heroes; and yet, as far as he could see, nothing had been done with the view of recruiting their number or maintaining them in their present state of efficiency. The question was one which was well worthy of the serious consideration of the Government — one with respect to which the country felt a deep interest; and he trusted, therefore, that they should have some satisfactory explanations in connection with it from Her Majesty's Ministers. Parliament had last year been summoned together upon a sudden to provide for the enrolment of a foreign legion, but he had yet to learn with what amount of success the measure which had been passed for that purpose had been attended. Some months had elapsed since that measure had received the sanction of the Legislature, yet no foreign legion had been sent to the assistance of our gallant soldiers in the Crimea. He perceived by a statement which appeared in a newspaper, supposed to be in the interest of the Government, that a battalion of foreign troops was to be removed from Heligoland to this country, and that 3,000 or 4,000 foreign soldiers were assembled at Dover. But if that number constituted the only reserve which we had at our disposal, he must say that he could not help thinking the measures which had been adopted by Her Majesty's Ministers were most inadequate to meet the dangers which we had to encounter, and were calculated to create great distrust and anxiety throughout the country. Under these circumstances, he hoped to have some explanation from the Government as to the steps which they had taken to reinforce the army serving in the Crimea.

Mr. FREDERICK PEEL said, the question of which the hon. Gentleman had given notice would require from the Government a statement of what were the reinforcements they had to send to the Crimea; and, although the hon. Member had, in the course of his remarks, considerably reduced the proportions assumed by his notice, still he thought that, even under this modified form, he must ask the House to support him in declining to give the explanation asked for. The facts of which the hon. Gentleman wished to be put in possession could not be given without affording to the enemy very valuable information. As regarded Russia, there was no information which was more acceptable to the English Government—none which was more promptly forwarded to our generals, than information relative to the strength of the Russian army in the Crimea, the reinforcements which were going there, and the period at which they were likely to arrive; and if he were to give the hon. Gentleman similar information with regard to our own movements, undoubtedly he would be imparting that which the enemy would turn to his own account. With respect to reinforcements, he might state, that our army in the Crimea had received very considerable additions to its number, and at no time had the English forces been so large as at the present moment. The hon. Member had complained of there being no reserve. Now, he was happy to state that a reserve was being formed, and that a very considerable force was now assembled at Malta. There were several thousand troops at that station, and already the commander of the English army before Sebastopol had drawn largely upon that force for reinforcements. The hon. Member had also stated that this House had voted money for the support of a militia force of upwards of 130,000 men, while, at present, not one-half of that number was in existence. In stating that the militia force was nearly 100,000 men below the number voted by Parliament, the hon. Member made a mistake by confusing the embodied and the disembodied militia. The force for which Parliament voted supplies was one including as well the disembodied as the embodied militia. The number of embodied militiamen might perhaps be small, but in addition to that force of embodied militia there was a considerable number of regiments which had not been embodied at all, but remained in a disembodied state, and were only called out for training and exercising for a certain number of days in a portion of each year. If, however, to the embodied regiments were added those disembodied, the militia force of this country would be found to be by no means so far below the number voted by Parliament as the hon. Gentleman seemed to suppose. With regard to the foreign legion, undoubtedly very great delays had arisen in the formation of that corps. It was not necessary for him to refer to the circumstances which at the beginning of the year impeded the steps taken to recruit that force; but these difficulties were now being rapidly removed. The number of men composing the foreign legion were at the present moment between 3,000 and 4,000, and their numbers were rapidly increasing. He did not think he should be justified in entering into more particulars, but he could assure the House that every measure was being taken to maintain the efficiency of the English army before Sebastopol.

ORDNANCE SURVEY (SCOTLAND).

Lord SEYMOUR said, he had to call attention to a promise made by the Government and broken, and to a Vote of money taken under what he might call false pretences. On the 2nd of March, 1854, when the Ordnance Survey for Scotland came before the House, the hon. Gentleman the Member for Dover (Mr. Rich) asked the then Chancellor of the Exchequer (Mr. Gladstone) upon what scale the Ordnance Survey for Scotland was to be made, and who was to pay for it? The right hon. Gentleman said that a scale of one inch to the mile would be sufficient for all national purposes, and that anything beyond that would not answer any national purpose; and that a twenty-five-inch scale to the mile had been proposed, which would be a great advantage to the landed proprietors of Scotland, but it would cost millions before it was completed; the House was, therefore, promised that the matter should not be decided upon by the Treasury, but that the House should have an opportunity of deciding upon the question; that experiments would be made of the twenty-five-inch scale in certain districts, and that the landowners should contribute to the cost if the twenty-five-inch scale were adopted. On the 15th of July a Treasury Minute was agreed to, directing that the counties of Ayrshire and Dumfriesshire should be laid down upon a scale of twenty-five inches to the mile, in order to try the experiment. It had since been decided that the same scale should be applied to the survey of populous, cultivated, and mineral districts of Scotland; and that the superintendent should exercise his discretion as to the plans that should be laid down on that scale. He complained of this decision as unfair to the House, since it had been promised that the House should know the result of the survey of the two counties, and should then decide upon what scale the survey should be made. By this latter Treasury Minute an expenditure of a million of money had been taken away from the House and given to the superintendent of the survey. It appeared from Sir C. Trevelyan's Report that, in the opinion of the best authorities, a one-inch scale would be sufficient for the wild moorland districts of Scotland; and Mr. Stephenson, Mr. Locke, and Mr. Brunel had given it as their opinion that a six-inch scale would be of very little use, being too large for a map and too small for a survey. But the Treasury Minute, dated May 18, in the present year, decided that the Highlands and the other thinly populated districts should be drawn upon a scale of six inches to the mile. He wanted to know who was to pay for all this? The House had seen the job coming long ago, and had tried to prevent it, but the power of the House had been defied and its intentions defeated by the Treasury. The Chancellor of the Exchequer promised that, at any rate, there was to be some local contribution towards the expense, but what did Sir C. Trevelyan say upon this subject?—

> "If the survey is conducted in the main according to one general plan, the financial result is the same whether each district pays separately for its own map or the whole country pays the entire expense in its corporate capacity."

They would, therefore, be asked to vote that all England and Ireland should pay for the benefit of the landed proprietors of Scotland. Another curious memorandum, upon which the Treasury had founded their minute, was drawn up by Lord Elcho, a great landed proprietor, and this was one of the reasons he gave for his opinion—

> "Lord Tweeddale says he cannot conceive a greater convenience than for owners of fixed property to be able to take copies of such portions of the survey map on the large scale as they may require."

He (Lord Seymour) was of the same opinion; no doubt it would be a great convenience to the country gentlemen of Devonshire and Dorsetshire to have maps of those counties on the large scale; but why should the public be asked to pay for them? These memoranda and papers ought to have been laid before the House early in the year, but the whole matter had been kept secret. This was a very pretty case for the administrative reformers. The Treasury had made themselves responsible for the twenty-five-inch scale, the House had not sanctioned it, and the whole expense ought to be borne by the Treasury. That would be a more practical measure of administrative reform than any which had yet been suggested. He should, no doubt, be told that large systems of survey were in operation in Austria, Bavaria, Sweden, and other foreign countries; but that had nothing to do with the question. The real question was whether this survey would serve a national purpose? The House had agreed to a one-inch scale; then, upon pressure, they sanctioned a six-inch scale; but if they allowed this twenty-five-inch scale they would authorise an expenditure to which he could see no end; for the whole country would require a survey of the same kind. The Government had given the House no opportunity of considering this question, but had taken money under a promise which they had violated. They had cheated the House into the large scale for the benefit of the landed proprietors of Scotland, and he hoped the House would now oblige them to make a declaration that they would put an end as soon as possible to this useless expenditure.

THE LORD ADVOCATE thought that in the present case, as in others which it had been said required administrative reform, the facts would be found not to be so strong as the statement of the noble Lord might have led the House to imagine, and that the House would, after a careful consideration of the papers on this subject, come to the conclusion that the course which had been taken by the Government was the only proper one which they could have adopted. He considered that the great expense of Ordnance surveys had arisen from the constant alteration, without sufficient information, of the scale on which they were to be made. The Ordnance survey of Scotland was commenced before

1828 on the one-inch scale. It was then stopped for twenty years, in order that the Irish survey made on the six-inch scale might be completed. In 1848 the survey of Scotland was resumed on the six-inch scale, so that all the outlay which had taken place on the survey on the one-inch scale was completely lost to the country. In 1851 the Committee which was appointed to examine into this matter came to a determination in favour of the one-inch scale, to which it was then thought necessary to return. In 1852 strong representations were made to Lord Derby's Government of the injustice of surveying Scotland on the one-inch scale, and the six-inch scale was again returned to. In 1853 a further movement was made, and it was thought that a survey on a larger scale than six inches would, in all probability, be the most beneficial, and, in the end, most worth the money expended on it. Lieutenant Colonel Dawson, in a letter to Sir C. Trevelyan, stated that the real *desideratum* was an original or parent map of the cultivated and improvable lands of the country on a scale much larger than six inches to a mile, from which reduced maps might be inexpensively prepared on the six-inch, or one-inch, or any other scale for general or special purposes. Experiments were then made in order to ascertain on what scale the survey should be carried out. In the speech made by the Chancellor of the Exchequer in 1854, to which the noble Lord referred, he (the Lord Advocate) could not find that any such pledge as was mentioned was given on that occasion; but that, on the contrary, the right hon. Member for Oxford University intimated that experiments were being carried on in certain districts of which the House was duly warned, and with reference to which the Treasury Minute which had been referred to was afterwards passed. A good deal of discussion afterwards took place on the subject, and the pledge given by the Government amounted in substance to this—that no further works beyond those in progress should be proceeded with until Parliament had had an opportunity of considering this question. But at this time it turned out that, in addition to Ayrshire and Dumfriesshire, four other counties had also been partially surveyed on the twenty-five-inch scale. The work was to a great extent suspended, but it was found that it could not be entirely stopped without entailing heavy loss on the public. That was not the time for entering into the question whether the one-inch, the six-inch, or the twenty-five-inch scale was the preferable one to adopt; but certainly, the Government having issued circulars to persons of scientific knowledge and experience in all parts of the country, and whose opinions were placed beyond suspicion, an immense preponderance of opinion was elicited in favour of the large scale, which was applicable to sanitary, conveyancing, and other purposes of a public nature. Moreover, from a twenty-five-inch scale a six-inch scale might easily be reduced. No doubt a one-inch map would be very serviceable; but if they were to have a six-inch survey, the question was whether the difference in point of expense between that and a twenty-five-inch scale would not render the adoption of the latter more advisable. The cost of a six-inch survey would amount to 817,000*l.*, while that of the twenty-five-inch scale (with a six-inch one for the Highland districts), would only come to 100,000*l.* more than that sum. The landowners might, indeed, derive some advantage from the adoption of the twenty-five-inch scale; but that fact would render the work none the less one of national importance and utility; and therefore, before the House came to a final decision on the subject, it would do well to examine the papers relating to it which were now on its table.

MR. HENLEY said, that the Lord Advocate had very adroitly avoided the real question before them—namely, whether the Government had acted fairly by that House in this matter—and had confined himself entirely to the discussion of what he had disclaimed all intention of entering into—namely, which of the different scales should be adopted for Scotland. They had been told that the great weight of authority was in favour of the larger scale; but what they complained of was, that they had had no opportunity of discussing the very papers which they were now told contained so much information. Who were the great authorities of whom the learned Lord spoke? For all they knew to the contrary, they might be the great landed proprietors or municipal bodies who wished to have a twenty-five-inch survey for sanitary and other purposes at the expense of other people. The Government had acted in this matter on a principle analogous to that of hanging a man first and trying him afterwards. When the Estimates of the preceding year were brought forward they were told that this question was a grave one, inasmuch as if Scotland were surveyed on the twenty-five-inch scale England would very likely demand the same thing; and he had certainly understood that Parliament was to have a fair opportunity of expressing an opinion on the matter before the work was proceeded with. [Mr. GLADSTONE: Hear, hear!] If they allowed this to go on they might be told, at the close of another year, that certain things were in progress which could not be stopped without involving a sacrifice, and so, step by step, the whole country might, as it were, by stealth, be completed upon the twenty-five-inch scale, with the six-inch one for the bogs and wastes. The Government had not been exonerated from the charge of issuing, after the Vote had been taken, a minute inconsistent with the assurance they had held out; and such a want of candour would justify distrust on the part of the House in future.

MR. ELLICE said, the question at issue was between the noble Lord at the head of the Government and the House. His noble Friend had declared that the money voted should not be applied to the twenty-five-inch scale, but to the one-inch scale, until the House had had an opportunity of deciding for itself; but the agent of the Treasury had entirely subverted that assurance of his noble Friend. The simplest method of settling the matter was this: He (Mr. Ellice) would recommend a suspension of all operations for the present—the sappers engaged in the survey could find ample employment elsewhere—and a reference of the matter to a Committee of the House, who should examine not only great landed proprietors who had sent in representations in favour of the larger scale, but scientific men and the independent Members of this House who represented the interests of the tax-payers. Let his noble Friend take that course, and he had no doubt that with a settlement so arrived at the House would be perfectly content.

VISCOUNT PALMERSTON denied that he had given the pledge that had been represented.

MR. ELLICE: Why, it is given in the Treasury papers.

VISCOUNT PALMERSTON wished to put himself right with the House as to the promise which he had made when this subject was last under discussion, and which had been somewhat misrepresented by the noble Lord the Member for Totness. On that occasion it was stated that an experiment of the twenty-five-inch scale was being tried in two counties of Scotland, and on the noble Lord the Member for Totness objecting to this, he (Viscount Palmerston) had entered into an agreement that no more money should be spent on the survey on the large scale than would be necessary to complete the experiment then going on, so that Parliament should have an opportunity of reconsidering the subject next Session. Upon inquiry, however, he had found that the twenty-five-inch survey was being made not only in the two counties, but in several counties, and to a greater extent than had been represented to the House; and, although his engagement had applied to the completion of the experiment, whatever its extent might be, he had thought it better that the matter should be brought under the consideration of the House, not next Session, but this Session, in the form of a Treasury Minute, in which were stated the intentions and wishes of the Government and the course which they thought best to be adopted. This Treasury Minute was accordingly drawn up and laid before the House in May, when it was competent for anybody to have raised a discussion, and to have taken the sense of the House on the subject. Whatever course was ultimately adopted with regard to this survey ought to be well considered and finally determined on, because, if the survey were to be carried on for some time on the one inch scale, and it was afterwards decided that the six-inch or the twenty-five-inch scale would be better, all the labour and expense which the one-inch survey had cost would be thrown away. For a general map no doubt the one-inch scale was the most useful; but there were many social purposes for which a twenty-five-inch survey was absolutely necessary, and, as a one-inch map might easily be made from the twenty-five-inch survey, while a twenty-five-inch map could not be extended from a one-inch survey, the Treasury Minute suggested that the best plan would be to complete a survey of all the cultivated lands on the twenty-five-inch scale, from which a one-inch map might be reduced. This map would be for publication, but the original survey on the twenty-five-inch scale would be kept in manuscript, and every one who wished for a map, or portion of a map, on the large scale would be allowed to take copies of it by a process now well known, without engraving, on the payment of a certain sum, which would go towards the gradual repayment of the additional expenditure caused by the adoption of the twenty-five-inch scale. For the uncultivated districts the six-inch scale would be quite sufficient. That, in his opinion, was the best arrangement which could be made, though, at the same time, the matter was a very fitting one to be discussed by a Committee of the House of Commons next Session. It was said that one effect of suddenly stopping the progress of the survey on the large scale would be to disband a number of workmen now employed on it, who could not easily be collected together again, and therefore, while the matter ought to be left as much as possible to the discretion of the Committee, no step ought now to be taken which would involve the additional expenditure of reorganising a staff of workmen next year, supposing that the larger scale should then be decided on.

COLONEL DUNNE said, the Government under which he held office decided in favour of a six-inch scale, but subsequently a scale of twenty-five inches and an absurd fraction was proposed. He, however, had found that the six-inch scale was amply sufficient in Ireland, and could not see what advantage there could be in a twenty-five-inch scale, except, perhaps, in towns. He thought the Government ought not to sanction a survey upon so large a scale, which must be very expensive, and could not be useful.

LORD ELCHO said, his first connection with the subject arose from being Chairman of a Committee to consider the question of the Scotch survey, which reported in favour of a one-inch scale. A Treasury Minute was issued somewhat in accordance with that Report. The people of Scotland, however, appeared not to be satisfied with that decision, and many petitions were presented praying for a six-inch scale. When Lord Aberdeen's Government came into office the Treasury had to consider the course it should pursue, and it appeared to them that the six-inch scale would not be worth the money it would cost, but that they ought to endeavour to find a scale large enough to be useful. With that view circulars were sent to the landowners, engineers, men of science, and practical men, whose replies were, he believed, thirty-two in favour of a six-inch scale, and upwards of ninety in favour of a large scale from twenty to twenty-four inches. Subsequently it was suggested that, as the tendencies of the age were towards decimals, it would be better to adopt a plan which at any future time, when a decimal system of weights and measures might be introduced, would be found to be in accordance with that system. Another circular was then sent, and the opinions of the vast majority of practical men were in favour of a decimal system. Such was the state of things when Lord Aberdeen left office. He (Lord Elcho) rejoiced at the decision which Her Majesty's Government had come to, and he hoped they would persevere with the twenty-five-inch scale, from which maps upon a smaller scale might easily be made by reduction. He, however, regretted that the Government had promised to grant a Committee, because he could not see what more a Committee could do than the Treasury had already done to ascertain the opinions of the public upon this subject. The only effect of the Committee would be to bring a question already involved in considerable confusion into still greater confusion, and to add considerable expense and great delay. He thought it would be very desirable, if possible, to take the opinion of the House upon the subject during the present Session.

MR. WILLIAMS thought the country was indebted to the noble Lord who had exposed this most gross and monstrous job, intended exclusively for the benefit of the Scotch landlords. It was monstrous for the Scotch landlords to ask the House to consent to a twenty-five-inch scale entirely for their benefit, at an enormous expense, to be borne by the people of this country. The noble Lord (Lord Elcho) said that engineers were in favour of the twenty-five-inch scale; and there was no doubt of that, for it would give them employment till the day of judgment.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, July 24, 1855.

MINUTES.] PUBLIC BILLS. — 1^a Slave Trade (Sherbro).

2^a Metropolis Local Management; Dissenters' Marriages; Stage Carriage Duties, &c.; Chinese Passenger Ships; Court of Judicature (Prince of Wales Island); Convention with United States; Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment; Ecclesiastical Jurisdiction Continuance; Turnpike Trusts Arrangements; Lunatic Asylums and Regulations Acts Amendment; Militia Officers' Qualifications; Treasurers of Counties (Ireland); Sale of Spirits (Ireland).

3^a West Indies Relief Loans Arrangement; Turnpike Acts Continuance; Public Libraries and Museums.

FIBRE COMPANY BILL.

Order of the Day for taking into Consideration Standing Order No. 176, in order to its being dispensed with, read.

THE EARL OF HARDWICKE moved, in pursuance of notice, that, in consequence of the proceedings upon the Fibre Company's Bill having been suspended, by reason of the introduction of a general measure upon limited liability, and as there was now little prospect of such measure passing in the present Session, it was expedient that the said Bill be allowed to be read a second time. He could assure their Lordships that he had no personal interest in the objects of the Company, and his sole motive for moving in the matter was a consideration of the public interests. The Bill in reference to which he was about to urge their Lordships had passed through the Commons, and was sent up to them so far back as the 10th of May last, only, however, to have its further progress opposed; first, through the interposition of the Standing Orders; and next, by the announcement of the Government, that the general measure as to limited liability, then about to be introduced, would render the passing of this Bill superfluous. Now, before proceeding to argue against the enforcement of the Standing Orders in the present instance, he would lay before their Lordships some facts illustrative of the increasing demand for paper, and the great deficiency existing of the raw material necessary for its manufacture, a deficiency which it was the object of this Company to supply. It was well known to their Lordships that the supply of paper had fallen off as the desire for its use had extended; and that the result had been an enormous increase in the price, and a falling off in the revenue in consequence of the diminution in the manufacture. The attention of men of science had been directed to the subject, and rewards had been offered for such improvements in the manufacture as would increase the supply of the raw material. The machines, however, for reducing that raw material to pulp were very expensive, and required a great deal of capital. As was very well known, the war with Russia had considerably interfered with the importation of hemp and flax, which mainly contributed the raw material for the manufacture of paper. Hence the Fibre Company had adopted a process of reducing to a pulp various fibrous substances out of which paper could be manufactured; and the plan having been tested was found to be most efficient for its purpose. Indeed, he himself had already shown to their Lordships a copy of *The Times* newspaper, printed on paper made of pulp manufactured according to the process of this Company, and the specimen had been pronounced to be a very favourable one. Now, to show the increasing demand for paper existing in the present day, as compared with former years, he might mention that on the average of the five years ending 1834, which was prior to the reduction of the duty, 70,998,131 lb. of paper were manufactured in Great Britain every year; while during the average of the five years ending 1853 that quantity had increased to 151,234,175 yearly; and in 1853 the production was 177,633,000lbs., being 23,000,000lbs. or 10,000 tons more than in the preceding year; that, moreover, in consequence of the increased price of the article, and the increased demand for it, the amount paid for paper in 1855 exceeded that for 1853 by a million sterling. The price also of the raw material had been continually increasing; for, taking the two years, 1852 and 1854, he found that while in the first year the price of first-rate rags was only 26*s.* the cwt., in 1854 it was 34*s.* the cwt. Nor was that increase in the price of the raw material confined to England; on the contrary, the pressure was felt equally throughout all the European markets. The statistics of the consumption of paper by *The Times* newspaper might interest their Lordships. *The Times* published 60,000 copies of their paper daily. The weight of the paper upon which these were printed was nine tons per day, and if the copies were piled up in a flat surface they would make a column fifty feet in height. The Russian war had, however, cut off the great source of supply of the raw material from England; for during the three years —1851, 1852, and 1853—the quantity of hemp imported into this country from Russia was 172,759 tons, while that from other countries was about 21,000 tons. But in consequence of the war the price, which previously had been about 35*l.* per ton, was now nearly double that, while the actual deficiency in the amount of the raw material was 119,118 tons. He would, therefore, ask their Lordships to consent to the supersedence of the Standing Order which requires that three-fourths of the capital of a Company should be paid up before obtaining permission to trade, in order that they might proceed to read the

Bill a second time, and thus, through the agency of the Fibre Company, make good a great deficiency. The fact was, as it was quite possible to demonstrate, that Standing Order had been long dead, and he thought their Lordships ought to proceed forthwith to bury it, for it was a Standing Order that stood in the way of much useful and necessary legislation. It had its origin so far back as the year 1824, and no doubt at that time it was wisely adopted for the protection of *bonâ fide* and sound speculations, as opposed to the many wild and extravagant schemes then afloat. In process of time, however, the order was very much modified, and almost every year some exception was made to its application. And to prove to their Lordships how greatly they were in the habit of deviating from the order, he would remind them that according to its strict injunctions they ought in every case to refer each private Bill to a Select Committee, after having read it a first time; whereas they never did so until after the Bill was read a second time. But, again, he could show that this Standing Order was in direct contradiction of the law of the land. The Standing Order declared that no Bill should be read a second time until it was satisfactorily proved that three-fourths of the capital had been paid into the Bank of England in the name of trustees. Now, what said the law of the land? He held in his hand the Act for the Registration and Incorporation of Joint-stock Companies, and that Act ordered, that in all cases there should be a provisional registration of a Company, as the foundation on which it was to proceed, before coming to Parliament for a Bill, and under that provisional registration a Company was to be allowed to act for a period not exceeding twelve months, and with a capital not exceeding 10*s*. per cent. Now the Standing Order was in direct contradiction to the Act of Parliament, for it especially declared that no less than three-fourths of the capital of a Company should be paid up before their Bill was read a second time. The provision in the Company's Clauses Consolidation Act, that capital should only be called up in small instalments was also inconsistent with this Standing Order. Another obstacle to the Bill was the Resolution of their Lordships that no private Bill should be read a second time after the 10th of July; but when in May he (the Earl of Hardwicke) introduced this Bill, on the 10th of May he was told by the Government that they were anxious to pass the Limited Liability Bill as soon as possible, and that then, as limited liability would be the law of the land, all difficulty with regard to the present Bill would be done away with. This statement induced him not to proceed with the present Bill; but the Limited Liability Bill had not yet passed—it had only gone into Committee *pro formâ*—and as far as he could see, there was no chance of that measure becoming law this Session. In conclusion, he believed that the rejection of this Bill would be a cruel injustice on the Company, which had expended a considerable sum of money in laying down the groundwork of their future plans, and at the same time prove a disappointment to the public, who desired cheap paper.

Moved, That the said Standing Order be dispensed with on the said Bill.

LORD REDESDALE opposed the Motion of his noble Friend, and defended the standing order, which, he said, had not become obsolete, but had not been put into practice of late years, because the Bills which had come under its provisions had not sought to obtain a limitation of liability. Their Lordships had never been accustomed to grant a limitation of liability to private trading Companies, and there was no reason why an exception should be made in the present case. Their Lordships were now asked to rescind an order altogether without substituting anything in its place, with the view of admitting a Company that would be subject to no restrictions securing that a single shilling of honest capital should be paid up. This Company had no claim whatever to any such exceptional advantage. It was all very well to say that this Bill, being unopposed, should be referred to a Committee; but it must be remembered that the general measure on Limited Liability was not likely to be carried through by the Government this Session on account of the difficulty of obtaining a concurrence of opinion as to the conditions to be imposed on trading Companies. Another reason why their Lordships should not suspend their standing order in this case was, that the very objectionable practice of privately canvassing individual Peers to support a particular measure had been adopted by the promoters of this Bill. This system had been pursued more than once before in the present Session, with the view of inducing Members of that House to prejudge questions relating to private Bills before they had heard the arguments on both sides; and it was therefore high time that their Lordships should discountenance such an irregular proceeding. On these grounds the suspension of the standing orders in this instance would be very unwise, particularly at that late period of the Session, and it was to be hoped that their Lordships would decidedly refuse to comply with such a request.

THE MARQUESS OF CLANRICARDE had no personal interest in the undertaking to which this Bill related, and was not acquainted with any one who had a share in it; he had, however, certainly been canvassed on the subject, but only so far as the placing in his hand a printed statement of the objects of the Company; and a consideration of the case had convinced him that he ought to support the present Motion. The standing order in question was first passed in 1824, and it was monstrous to say that it was applicable to the altered circumstances of the present time.

EARL GRANVILLE admitted that he had recommended the postponement of the Bill until the Government measure on Limited Liability should have been brought before them. The Government had no intention of abandoning their Bill, although he was certainly not able to promise that it would be passed during the present Session. He thought that if a standing order was a bad one it ought to be repealed, but so long as they kept it on their books they ought to enforce it, unless good cause was shown to the contrary. On this ground he should certainly join the noble Lord the Chairman of Committees in opposing its suspension on the present occasion.

THE EARL OF HARDWICKE briefly replied.

THE EARL OF DERBY said, if his noble Friend pressed his Motion to a division he should feel bound to vote with him, for he thought that the Company had been very hardly dealt with. They were not responsible for the delay that had taken place; they had brought forward their measure in time, and had withdrawn it on account of the expectations held out by the Government as to the measure for Limited Liability. So early as February he (the Earl of Derby) had pressed upon the Government the importance of at once settling the question, or of allowing to particular Companies exemption from the law. Still the measure in question had been delayed so long that it had not yet passed through Committee in the other House, and their Lordships had arrived at a period of the Session at which they were not disposed to entertain any new measure not of a most urgent character. He was in favour of a measure for Limited Liability, but was not prepared to deal with it without an opportunity for full consideration. Therefore he was not disposed to induce their Lordships at this period of the Session to dispense with the rule he had referred to. Under those circumstances he should feel that the parties in this case were entitled to exemption from the general law. Still, after the strong expression of opinion on the part of the noble Lord (Lord Redesdale), the Chairman of Committees, probably his noble Friend would not divide.

Resolved in the *Negative.*

THE BARONY OF FERMOY—QUESTION.

THE EARL OF DERBY wished to put a question to the noble Lord who represented the Government in that House, before they passed to the order of the day, on the subject of the creation of Mr. Roche as Baron Fermoy. Some time ago he brought under the consideration of the House the legality of that proceeding, and the point was ultimately referred to a Select Committee. He was then under the impression that the hon. Gentleman in whose favour the creation had been made would have taken the course which would have been at once most regular and most advantageous to himself—namely, that of claiming to vote for Representative Peers of Ireland, in order that the matter might be carried before a Committee of Privileges. The hon. Gentleman, however, had not taken that course, and now the Session being so far advanced, and the Judges being absent on circuit, it would be impossible to go on with the other Committee this year; but he begged leave to give notice, that unless the Government determined to take up the question themselves, or unless the hon. Gentleman in whose favour the creation had been made should assert his claim before a Committee of Privileges, he should at the very earliest period next Session move the re-appointment of the Select Committee. In the meanwhile he wished to ask the noble Earl the President of the Council whether he was prepared to give an assurance that no steps would be taken during the recess which could in any way prejudice the question as it now stood. The noble Earl was no doubt aware that the extinction of the Earldom of Mountrath had created other vacancies, and some steps might be taken in reference to those vacancies which would have the effect of rendering the present question more difficult of solution.

Earl GRANVILLE said, considering that the noble Earl himself had been mainly instrumental in securing the appointment of the Select Committee, he had been under the impression, as it had been the full expectation of Baron Fermoy, that the noble Earl would have taken immediate steps to have the question properly brought before the Committee. Having however waited several weeks, and finding that the noble Earl did not do so, his noble Friend Baron Fermoy consulted him on the question of exercising his right of voting for the Representative Peers of Ireland; and so bringing his claim before a Committee of Privileges: he agreed with his noble Friend in the expediency of that course, but thought it right in the first instance to take advice upon the subject from his noble and learned Friend on the woolsack. His noble and learned Friend, without venturing any opinion of his own upon the question, said it would in any event be necessary to have the assistance of the learned Judges in coming to a conclusion upon it, and therefore he persuaded his noble Friend Baron Fermoy to postpone his claim until another Session, when he fully intended to bring it before a Committee of Privileges. With regard, however, to the question which the noble Earl had put to him, he felt some little difficulty in answering it, because to some extent it affected the prerogative of the Crown; but he thought he could go the length of stating that, until the Government had had sufficient time to consider the decision of a competent tribunal upon the question, they would not advise Her Majesty to take any step in regard to these dormant peerages.

METROPOLIS LOCAL MANAGEMENT BILL.

Order of the Day for the Second Reading read.

Lord WODEHOUSE moved the second reading of the Bill. He stated that the government of the metropolis, as regarded local affairs, was of the most complicated and unsatisfactory character. In the parish of St. Mary, Newington, there were two paving and four lighting Boards, besides five other Boards possessing powers with reference to various matters of local administration. In the Strand, between Northumberland House and Temple Bar, no less than nine paving Boards had separate jurisdiction. In the parish of St. Pancras there were twenty-seven local Acts, under which 427 Commissioners were appointed, and sixty-three officers employed. There were no less than 250 local Acts relating to different portions of the metropolis, and as many separate local bodies. Besides these there was the Commission of Sewers. Since 1847 there had been no fewer than seven different Commissions of Sewers, and they had incurred a debt of no less than 500,000*l.*, and the cost of management was as much as 28½ per cent on the expenditure. The object of the present measure was to simplify this system, and to put an end to this Commission, and of the numerous local bodies he had referred to. It was proposed to extend to all parishes the provisions of Hobhouse's Act, as regarded the election of vestries, and in the various parishes wards would be constituted. The parishes of the metropolis were divided by the schedule of the Bill into two classes, schedule A and schedule B, and they might be called parishes sole and parishes in union. These parishes were twenty-three in number. The rest of the metropolis was divided into fifteen districts, making a total of thirty-eight districts, each of which would elect a Board. To these Boards would be transferred the superintendence of paving and lighting, besides the management of the local sewers. As regarded the rating, it would remain as at present, the occupiers paying the paving and lighting rates, and the owners the sewers rate. It was also proposed that there should be what was called a Metropolitan Board of Works, which was to be composed of forty-six members. The central Board would have one most important duty to perform—namely, to consider a plan for remedying that which was becoming every day a more serious evil—the condition of the river Thames. They would have to devise some method of preventing any of the sewage of the metropolis from being poured into the river; and if that object alone were accomplished, a very great benefit would have resulted from this measure. The noble Lord then went through the different clauses of the Bill.

Moved, that the Bill be now read 2ª.

Lord PORTMAN regretted there was not time enough remaining this Session for the consideration of the details of this Bill, though he recognised its value and thought it most important that it should pass into law. He had some suggestions to offer for its Amendment. The great questions were, the division of the town into districts, and the mode of electing the district Boards. He thought it was hardly safe to invest a newly-created body with all the functions which had existed by virtue of some 250 local Acts of Parliament, which were now to be repealed, unless the House were better informed than it was at present of the nature and extent of those various powers.

EARL FORTESCUE said, he also intended to propose an Amendment in Committee. By this Bill four great London parishes, St. George's, St. James's, Marylebone, and Pancras, would continue for a time the election of their vestries in the present mode, being exempted so far from the obligation imposed upon other parishes and districts of adopting the mode of election prescribed by this Bill; and in the meantime all the new powers which were given by the Bill would be exercised by the old vestries, including the appointment of officers, fixing salaries, and deputing representatives of those parishes to the central Board. He considered this was objectionable.

THE MARQUESS OF SALISBURY thought the Government had done well in attempting to improve the local management of the metropolis, but expressed some doubt whether this measure would prove more efficient for the sewerage than other metropolitan Sewers Commissions which had been created in vain. He recommended that, as in the case of the New Poor Law, this measure should be only a temporary operation at first, for a term of three or five years, so that its faults might be corrected by experience.

THE EARL OF CARNARVON supported the objections which had been taken by Earl Fortescue to the 7th clause of the Bill, relating to four large parishes of the metropolis; he thought it involved not only a practical injustice, but almost a constitutional grievance, to empower bodies which had been elected for a different purpose to perform duties which neither they nor their constituents ever contemplated.

THE EARL OF DERBY concurred in expressing his regret that this Bill should have come before their Lordships at a period of the Session when it was physically impossible for them to bestow sufficient attention upon it; but he frankly admitted the great importance of passing the measure, and the diligent consideration it had obtained from the House of Commons, as well as from the Government. He thought it improbable that he should be able to attend when it was discussed in Committee; but he felt confident that Government would readily consider any suggestions that might be offered. There was one feature of it on which he would make some observations — he meant the enforcement of a uniform system of voting in, and election of, vestries throughout all the different parishes. At present, only a very small proportion of the parishes in London were under the operation of what was called Hobhouse's Act. This Bill did not formally introduce that Act in all the parishes; but in effect it did the same thing; for while it repealed Hobhouse's Act, it introduced the provisions of that Act, extending them over all the parishes and thereby established single voting, and negatived the system of plurality in voting. Now, he thought there was a great deal to be said in favour of the system of plurality of votes, as enabling the persons who contributed most largely to the rates to exercise a proportionate influence over the expenditure. But many parishes had had this question referred to their own decision; and the very class of persons who by this Bill or by Hobhouse's Act would have the exclusive franchise conferred upon them, had resolved that they preferred remaining under Sturges Bourne's Act, which they thought was more conducive to the good government of the parish. Now, he (the Earl of Derby) was not advocating one principle more than the other; but he would put it to the Government whether, for the sake of uniformity in the mode of election in all the different parishes and districts, they would make it compulsory upon them to adopt a system which the parishioners did not prefer. He did not see why it should not be left to their option. No inconvenience would result from the central Board being composed of members elected by different constituencies, in different ways; for example, the Senate of the United States consisted of two representatives of each State, but elected under different state laws and by various constituencies. The working of the metropolitan system, constituted as he suggested, would afford a valuable illustration of the problem of the best mode of election, and the representatives of each locality would try to rival others in good management.

The Earl of POWIS thought the vestries of large parishes, like St. George's, were not suitable for the transaction of such affairs as would by this Bill be committed to them. He apprehended also, that the effect of the 1st clause would be, though unintentionally, to put an end to the burial boards, and to the commissioners of baths and washhouses. It was inconvenient to begin the operation of the Bill on the 1st of December, when the accounts of parishes were commonly made up at Easter or Lady Day.

Lord WODEHOUSE briefly replied. With regard to the observations of the noble Earl opposite (the Earl of Derby), although Sturges Bourne's Act was a general Act applying to all parishes throughout the country, in the metropolis a large number of parishes had got special Acts; and there were scarcely two alike in the mode of electing their vestries. If the arrangement suggested by the noble Earl were adopted, he feared it would excite more heartburnings and jealousies than the application of one uniform rate.

Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

DISSENTERS' MARRIAGES BILL.

Order of the Day for the Second Reading read.

Lord BROUGHAM moved the second reading of this Bill, which he stated to be for the purpose of remedying a great evil to which Dissenters were now subject. Under the Dissenters' Marriage Act of 1836, when a marriage between Dissenters took place by the registrar or by a Dissenting minister, it was necessary to give notice to the clerk of the Board of Guardians; and if the marriage was to take place without a licence, a notice was to be read at three successive meetings of the Poor Law Guardians of the district in which one of the parties lived. Many most respectable persons objected to this, and many were thereby deprived of the benefit intended by the Act of 1836. The object of the Bill was to substitute another mode of proceeding, and instead of notice being given to the clerk of the guardians, and the notice being read three times at different meetings of the guardians, the notice was to be given to the superintendent registrar, and be affixed in some conspicuous place in his office for twenty-one days. The measure was much considered in the other House by Gentlemen of all sects, both of the Church and Dissenters, and had come up to their Lordships' House with their full sanction.

Moved, That the Bill be now read 2^a.

Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

DISSENTERS' RELIEF BILL.

Order of the Day for the Second Reading read.

Lord BROUGHAM, after expressing his reluctance to bring on the discussion on the Bill in the absence of all the Members of the right rev. Bench, stated its object. He said that when a person had taken holy orders, those orders were indelible, and no temporal power existed which could reduce such a man to the condition of a layman, and he was liable to all the secular disqualifications which attached to holy orders. When, therefore, a person in holy orders conscientiously dissented from the Church he remained liable to all the penalties which would be incurred by a clergyman for certain acts, and he remained under the superintendence of the Bishop in the same manner as if he had not become a Dissenter. Many instances of this kind had occurred; and it happened that many persons in holy orders had become Dissenters and Dissenting ministers, and if in the exercise of that function they taught or preached they were liable to be prosecuted in the Ecclesiastical Courts for schism and heresy. They were liable to all the disqualifications which holy orders carried with them in secular matters. For instance, such a person could not be called to the Bar, of which particular case the late Mr. Horne Tooke was a remarkable instance. The noble Lord, urging that the Church of England needed no such support as was to be obtained from penalties and disqualifications, said that this Bill would remove all those defects in that respect which existed in the present system.

Moved, That the Bill be now read 2^a.

The Earl of DERBY could not pretend, at a moment's notice, to enter into a subject of so much importance, and to agree to the principle of a measure affecting episcopal authority, in the absence of every Member of the episcopal Bench. The Bill permitted a clergyman of the Church of England, claiming to be a Dissenter, to be absolved from all episcopal authority. But suppose a clergyman had committed grave misconduct, which rendered him liable to ecclesiastical censure, was he, by claiming to dissent from the doctrines of the Church, to release himself from the penalties of his iniquities? The Bill proposed to permit such a person to take his seat in the House of Commons, or to go to the Bar. But suppose, after professing himself a Dissenter for three months, he came back to the Church, was he to retain his seat in the House of Commons, or would he regain his clerical character. The Bill proposed an entire alteration in the system of the Church of England, and he would oppose its second reading, if he stood alone. He did not bind himself to oppose the principle of the Bill in a future Session; but he protested against a Bill of so much importance being brought in in this hasty and hurried manner, and he should accordingly move that the Bill be read a second time on that day six months.

LORD BROUGHAM had been most reluctant, in the absence of the episcopal Bench, to explain his measure, and should have been content that the discussion should be reserved until the next stage. No doubt he should find it difficult to pass his Bill this Session, even if their Lordships gave their assent to it. But his Bill did not take away the clerical character, and there was no inconsistency between the indelible nature of holy orders and the provisions of his Bill. The clergyman would remain a priest, but he would not be liable to the secular penalties for schism, &c., attached to that office. On the other hand, the Bill took away all the immunities and benefits incident to his clerical character.

EARL GRANVILLE said, it was for his noble and learned Friend to consider whether he would press the second reading; but, if the Bill should be read a second time, he hoped ample time would be afforded for its consideration before the Committee upon it was moved.

LORD BROUGHAM said, some of the most distinguished Members of the episcopal Bench felt the propriety of passing a measure of this kind; but at the present inauspicious period of the Session he would not press the second reading.

Motion (by Leave of the House) *withdrawn:* Then the said Bill was (by Leave of the House) *withdrawn.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 24, 1855.

MINUTE.] PUBLIC BILL.—1° Turkish Loan.

TENANTS' IMPROVEMENTS COMPENSATION (IRELAND) BILL.

[*Progress*, 13th *July.*] Order for Committee read.

House in Committee.

VISCOUNT PALMERSTON: Sir, in the present position of this Bill, and at the present period of the Session, I think it is the duty of Her Majesty's Government to state to the House the course which, in our opinion, it would be most advisable to pursue with regard to this measure. It is impossible to overstate the importance of this question as bearing upon the feelings, the opinions, and the interests of Ireland. It is a subject which has for many years excited the deepest interest in Ireland, and has moreover enlisted strong and decided opinions in opposite directions in regard to the subject matter of which this Bill treats. On the one hand, those who have advocated what is commonly called tenant right have urged changes in the existing law, interfering to a very great extent with the transactions between landlord and tenant, and affecting in a very great degree the present rights of these respective parties. Those who have advocated that change have founded their opinions upon facts and reasoning which are familiar to those who have attended to this subject. On the other hand, there are an important class of persons in Ireland who have resisted that change, who have argued that it would be unjust, would affect existing rights, and would involve an interference not either exceptional or just. This question having for many years agitated very strongly the public mind in Ireland, having led to many and long discussions in this House, having led to the introduction of several measures, none of which were ultimately successful, and the hon. and learned Gentleman (Mr. Sejeant Shee) having this year introduced a Bill founded in a great degree upon Bills which had passed this House, Her Majesty's Government were appealed to to undertake the conduct of the measure, to mould it in such a manner as might suit their views, and so make themselves responsible for recommending it to the adoption of the House. I am ready to confess now that which I have stated over and over again, both here and upstairs in the

Committee of which I was a Member, namely, that, in the abstract, my own personal opinion is against any interference in transactions between different parties, be they who they may, who have arrangements to make with each other. I think that, upon general principles, people should be left to judge according to their own interests and wishes, and that, in the abstract, interference between buyer and seller (which we must consider the landlord and the tenant to be) is both inconvenient and inexpedient. Nevertheless, there are cases in which habits, and, if you will, prejudices and strongly-rooted opinions, justify a departure from mere abstract principles, and it certainly did appear to me that this was an instance in which such a departure might properly take place. With reference, then, to all these considerations, Her Majesty's Government accepted the offer of the hon. and learned Serjeant, and undertook to conduct this Bill through the House. The only possible foundation upon which we could rest any hope of succeeding in that undertaking was the assumption that persons entertaining opposite opinions on this matter would follow our example, and consent to that sort of mutual concession without which it is utterly impossible that, upon matters of great importance and deep interest, where opinions are strongly opposed, any common and satisfactory result can be arrived at. The Government were prepared, with a view to the final settlement of a question the agitation of which has been attended with so much inconvenience in Ireland—the Government were prepared to yield their own opinions to what appeared to be the general feeling of the people of Ireland, and to propose that which we thought both parties might conveniently and in fair consistency with their own opinions assent to as a compromise of the extreme opinions on both sides. We, therefore, undertook the charge of the Bill on that ground, and we certainly did hope that in the course of the present Session a Bill might pass which, though it might not, on the one hand, give to the tenant-right party all they wished for, and though, on the other hand, it might impose restrictions which those who are opposed to the tenant-right principle might object to, yet would, on the whole, so far satisfy the one party without inflicting any great injury on the other, and that we might have a chance of setting this long-agitated question at rest. We have been, I regret to say, very much disappointed in our anticipations. The progress of the Bill has been retarded by lengthened discussion. Each party has thought it right to enforce its own extreme opinions ; discussion and debate have followed discussion and debate ; divisions have taken place in great numbers ; and we are now arrived at a period of the Session at which I think, without any great stretch of the imagination, we may safely conceive that a Bill which has only attained the stage at which this measure stands, and the future progress of which is announced as likely to be attended with so much further discussion and so many other divisions—I say we have arrived at a period at which a Bill so circumstanced cannot with any rational expectation be looked to as likely to pass in the present Session. Now, we have other Bills of pressing importance which I consider may be passed. I don't mean to say that they are of more importance than this Bill, but there is a greater chance of our passing them, and there can be no greater waste of time than for this House to occupy itself with matters with regard to which there is no rational prospect of coming to a conclusion. The great economy of time is to do that which may produce a result. However reluctant, then, I may be to give up the hope—which I did entertain at one time—that this important question might be settled during the present Session ; yet considering the number of clauses we have still to go through, the number of objections which it is announced will be offered, the long debate we should have with regard to the reinsertion the 14th clause, and the present advanced period of the Session. I think I should be best consulting the convenience of the House and the progress of important public business by proposing that we should not continue the discussion on this Bill, that we should submit to the force of circumstances, and that the Bill should be allowed to drop in regard to the present Session. I regret exceedingly to find myself brought to that conclusion, but I trust that those who take an interest in the Bill will do Her Majesty's Government the justice to acknowledge that we have done all that we possibly could for the purpose of inducing the House to pass this measure in a shape in which we could recommend it ; and I am sure, though I may have said that the opposite parties have perhaps pressed their respective opinions further than was consistent with the expectation of passing this measure, I do them the justice to say that in so acting they have evinced perfect sincerity, and have sought only to discharge their duty. I can only again regret that the Government have no other course to pursue than that which I have already announced. It is well kown that this is the final day fixed upon in another place for giving a second reading to Bills from this House; but, leaving that out of consideration, it is unnecessary to say how utterly hopeless it would be to attempt now to press forward this measure. I move, therefore, Mr. FitzRoy, that you report progress.

MR. FRENCH said, he was surprised at the course taken by the noble Lord that day. He would remind the noble Lord that he had recently expressed an opinion that this was a measure of so important a character, and so exceptional as regards the rule of the House of Lords, that it was his determination to persevere with it. He now asked whether the noble Lord had dealt fairly with the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) in the course he had taken in not communicating his intention to that hon. and learned Gentleman. He did not think that the noble Lord had given any reason sufficient to justify his sudden departure from his original resolution. Not that he (Mr. French) believed that the measure in its present shape would prove satisfactory; but he believed that the noble Lord, by the course he had taken, would inflict a serious blow to the hopes and expectations of the people of Ireland. He wished to ask the noble Lord whether he was determined to withhold all protection from the poor tenants in Ireland? The noble Lord, when he had come to his present determination, should at all events hand over the measure to the hon. and learned Member for Kilkenny, who was credulous enough to entrust the measure to the Government, in the belief that they were sincere in their determination to pass it during the present Session.

MR. KENNEDY said, he must congratulate the Government in having passed over this measure, as people would have an opportunity before the next Session of reconsidering the matter in connection with the manner in which Ireland was represented in that House. They had had forty-eight Irish Members voting for retrospective compensation, and only nineteen against it. If five to two of the representatives of England had voted upon any matter, it would have been carried; and was it justice to Ireland that the voices of her representatives in the proportion of five to two should be disregarded? He rejoiced that the Bill had been withdrawn, for if passed in its present shape, it would have inflicted serious injury on Ireland. He trusted that the noble Lord would in the next Session deal with the matter in a very different spirit.

MR. DUFFY said, he was also glad of the withdrawal of the Bill, for, in the state to which it had been reduced, it would have proved an insult and a curse to Ireland. He did not know what the genuinely independent Irish Members on the Ministerial benches, who had so faithfully served the Government hitherto, would think when they found that at so late a period of the Session the reward to which they had looked forward was withdrawn from them; but if the people of Ireland followed his recommendation, they would never again allow themselves to be deluded by promises which at the last moment were thus broken.

MR. J. G. PHILLIMORE said, he was at a loss to understand the violent language used by hon. Members in regard to the withdrawal of a Bill which the House had been told by hon. Gentlemen opposite was utterly valueless. To have persevered with the measure under present circumstances would have been, in his opinion, a waste of time and a mere mockery, and the noble Lord had adopted a manly, an independent, and an honourable course in withdrawing it. The Bill did not, in the least, touch the great evil of Ireland, which was the existence of the cottier tenancy.

COLONEL GREVILLE said, he thought the noble Lord had exercised a wise discretion in withdrawing the measure, and he knew that was the opinion of the hon. and learned Serjeant the Member for Kilkenny. With respect to another Bill, brought forward by the late Secretary for Ireland (Sir W. Somerville), which likewise affected the condition of the tenantry of that country, he hoped the noble Lord would exercise his influence with that right hon. Gentleman to withdraw it also.

MR. VINCENT SCULLY said, he had not had the remotest idea when he entered the House that morning, that the Bill was to be withdrawn. He did not at all concur in such a course, and, at all events, it ought to have been communicated to the House at an earlier period. When, however, they remembered that on the division upon the

14th clause, nine Members of the Government absented themselves, seven of those hon. and right hon. Gentlemen being somewhere in the precincts of the House at the time, it was tolerably evident that there was a difference of opinion in the Ministry on the subject; and, opposed as the noble Lord had been, besides, by the Conservative Members, by a portion of the Irish Liberal Members, perhaps the Premier had no other alternative than to withdraw the Bill. While upon the subject, however, he would take the opportunity of reading two documents, explanatory of the deputation of Irish Members to the noble Lord at the head of the Government, which had been the subject of animadversion in the House a short time back. Those documents would set the matter in a clear light. The first was a Resolution adopted at a meeting of Irish Members, and the second was a letter from the same Members to the noble Lord at the head of the Government:—

"Resolved, that the Chief Secretary for Ireland publicly stated in his place, on behalf of the Government, that, in the event of his Amendments to the 14th clause of the Tenants' Compensation Bill being adopted, the full strength of the Administration should be given to carry that clause, and generally the other provisions of the Bill; that, notwithstanding such distinct assurance, three Cabinet Ministers and four other Members of the Government, though all in the House, declined to vote for the 14th clause, amended as proposed by the Irish organ of the Administration; that we consider such conduct had the appearance of a breach of faith on the part of the Government to the Irish Members and to Ireland; that, therefore, to remove all misapprehension, we call upon the Prime Minister to move the reinstatement of the 14th clause and to secure for the Motion the support of his entire Administration, and thus fulfil the assurance given to the country by the Chief Secretary for Ireland."

"House of Commons, July 9.

"My Lord—We, the undersigned Members of Parliament, feel called upon to express our deep disappointment at finding, from the division lists of Thursday last, that the Motion to expunge the 14th clause of the Tenants' Compensation Bill was carried against the Government in the absence of nine of its Members; seven of whom, including three Cabinet Ministers, had been in the House, but left it before the division on that Motion. This defection, and the example it gave, having contributed mainly to the loss of that clause, we now respectfully request your Lordship, as head of the Government, to have its reinsertion moved at a future stage, supported by the united strength of all Ministerial Members. We wish it also to be understood of the Bill, with the Government Amendments, that though, in its mutilated state, some may accept it as a small instalment of just demands, it cannot be taken as a final settlement of them. We have the honour to be, &c."

(Signatures of Members.)

VISCOUNT PALMERSTON said, he could assure the hon. and learned Gentleman there was no foundation whatever for the idea that a difference of opinion among the Members of the Government, with regard to the measure, was one of the reasons which led to its withdrawal. It was perfectly true, as the hon. and learned Gentleman stated, that upon the division on the 14th clause certain Members of the Government were absent. As he (Lord Palmerston) had before observed, he was very sorry that this should have been the case, but it happened also on other occasions on which the Government were very anxious to muster all their forces. Their absence was purely accidental; he could go through the whole list; to explain how each happened to be away at that particular moment; but the ground on which he withdrew the Bill was simply one of time. If it were now May instead of July, he should persevere with the Bill, but every hon. Member must see that, to do so now, would be a pure waste of time.

MR. KIRK said, that the question was not properly understood by the Irish Members generally. The present state of the cottier tenantry in Ireland was but the result of English legislation. He hoped that in the next Session such a Tenant Right Bill would be introduced that would give satisfaction to all parties.

MR. MAGUIRE said, he thought that, to account for the absence of certain Members of the Government on the occasion referred to, by an accident, was a pleasing delusion, for he had himself seen some of them in the precincts of the House at the time, and there was no doubt they had shirked the division. He hoped that next year the whole responsibility of introducing a measure on tenant right would be thrown upon the Government, and that no private Member, whatever might be his motive, would take up a question which he could have no chance of settling. It was the bounden duty of the Government to bring in a Landlord and Tenant Bill on the earliest opportunity next year, and to pass it through; but, during the present Session, the noble Lord had merely toyed with the question, and had left his own supporters in doubt as to whether he could be serious in attempting to carry the measure.

LORD NAAS said, the resolution of the noble Lord to withdraw the Bill did not in the least take him by surprise. At that period of the Session, it must be quite evident that it was utterly impossible to proceed with the Bill, and he could only wonder that that conclusion had not been arrived at long before. At the same time, he would congratulate the hon. and learned Member for Cork (Mr. V. Scully) and his friends upon the triumphant success of the memorable deputation which had lately waited upon the noble Lord.

MR. J. D. FITZGERALD said, no other course could now be pursued than that proposed by the noble Lord at the head of the Government. The Bill contained over seventy clauses, of which but thirteen had passed, and the period had arrived at which the House of Lords had announced it would receive no new Bills. He had, throughout the weary debates on the measure, refrained from replying to imputations cast on him, fearing to endanger the Bill by personal altercations, but he would take that opportunity of saying a few words on the course pursued by Government. In the month of May last the Irish Executive was called on by the hon. and learned Serjeant, who had charge of the Bill, to take it up, as there was no prospect of passing it in his hands. His right hon. Friend the Chief Secretary for Ireland had then an opportunity of catching popular favour and support in that House, by professing to adopt the Bill as it stood. He might have used it as a net to catch political flies, but he preferred the policy of candour and truth, and stated fairly that he could only recommend the Government to take up the measure in such a shape as to afford a fair prospect of passing it into law. The time was favourable for passing such a measure, and his right hon. Friend distinctly shadowed out the modifications he proposed. The hon. and learned Serjeant accepted the proposition, and expressed his gratitude to the Government. His right hon. Friend then modified the Bill, so as that, securing as much justice to the tenant as practicable, he might still hope for general support. He did not anticipate the opposition he had met with. Hon. Members had reproached him (Mr. FitzGerald) with an alteration of his opinions and an abandonment of his pledges; he wished to state that he had altered none of his opinions on the question, and was still as favourable to the tenant as ever, but, as a very humble member of the Government, he conceived that he would not be justified in asking to have his individual opinions on that particular question carried out to their full extent, and he felt called upon to sacrifice his views to the judgment of the majority. He was the more readily induced to do so from his great anxiety to secure now for the tenant a part of his claims, and to mitigate the evils which flowed from the absence of some legislation on the subject. Those evils were great, both to landlord and tenant, and he anxiously desired to secure a measure beneficial to both. He would be prepared at any future time to support as large and beneficial a measure for the tenant as there was a prospect of passing.

MR. DE VERE said, he deeply regretted the shipwreck of such an important measure, which he thought was calculated to produce great good. Mutilated as the Bill was, it yet contained the germ of good, and notwithstanding all the alterations which had been made in it, it would have afforded great encouragement to the improving tenant. He regretted its withdrawal, more particularly because it would have led to the investment of capital, removed dissensions, reconciled class to class, and secured the devotion of the united energies of the Irish people to one common object. He regretted the withdrawal also, because he believed it would revive that agitation which had been the misfortune of his country, and which he had hoped would soon cease for ever. He did not see in the Bill any assertion of the principle of fixity of tenure, but he did see in it a provision for stability of tenure, and on that ground he lamented its loss. Though he did not attribute to the Government any want of sincerity, yet he thought they had not exhibited that energy in the matter which was requisite to ensure success. By the speech of the noble Lord that morning, they had pledged themselves to renewed attempts at legislation, and he trusted that when the subject again came before the House, the Government would give a fair and energetic support to the principles on which the Bill was founded.

MR. BRADY said, he thought the withdrawal of the Bill at that late period of the Session would lead to great disappointment in Ireland. He was also convinced, however, that it would not in its present shape have given satisfaction in Ireland; and, shorn as it was of many of its best provisions, he could not on the whole regret the loss of it. He knew no class more interested in the passing of a good measure than the conservative Members for Ireland. Nothing would tend more to increase the value of their property than a good measure of tenant right; and at the same time, nothing could do more to cement good feelings between the people of the two countries.

Mr. NAPIER said, he was not surprised at the course taken by the noble Lord at the head of the Government; on the contrary, he did not see what other course at that, the eleventh hour, he could have adopted. At the same time he must express his regret at the present unsettled state of the question. He agreed with the hon. and learned Solicitor-General for Ireland, that it was useless for Irish Members to attempt to carry out all their individual views on the subject. The Committee had treated the question in the fairest manner; and it was at the request of Irish Members themselves that the two measures which were founded on their Report were not passed last Session. They had now been spending their time in discussing a measure which excited great difference of opinion in that House formerly, and which was rejected in another place. The House had been asked to accept the Bill in its present shape as an instalment. He objected to an instalment doctrine. If the subject was to be legislated upon at all, it should be in a manner which would set the question at rest. He had believed from the first that the Bill would turn out an abortion; and he hoped that the Government would in future deal with the subject in a more satisfactory manner.

Mr. F. SCULLY said, they had been for two hours and a quarter engaged in a useless discussion, and had the same time been employed in discussing the provisions of the Bill, the Bill might have been passed. He thought the sooner they now passed to some other business the better.

Mr. WHITESIDE said, he considered that the House had stopped short of a measure when they had arrived at the only beneficial part of it. The best description which could be given of the labours of the Government in reference to the subject was that which was to be found in the last chapter of "Rasselas"—namely, a conclusion in which nothing was concluded.

Mr. A. STAFFORD said, he regretted that the noble Lord had not stated his intention last evening, though he must say that the noble Lord had used the Bill with admirable dexterity. He (Mr. A. Stafford) had had the management of property in Ireland for many years, and he could not sympathise with those who were the promoters of the Bill, although he had himself supported the second reading of it; and he would add that if the Bill were again introduced he would support it for the next three or four years. He had often spoken to persons interested in the question, and he found that they were convinced that the Bill was mere moonshine, and that after it had been discussed some three or four years, the people of Ireland would at length learn that the rights of property were to be equally respected in both countries, and were governed by the same fixed principles.

Mr. CHICHESTER FORTESCUE said, that he attributed the death of the measure to the conduct of the Members on the Opposition Bench, and especially to the most inconsistent conduct of the right hon. and learned Gentleman, the Member for the University of Dublin (Mr. Napier) as regarded the whole question.

House resumed; Committee report progress: to sit again upon this day three months.

PARTNERSHIP AMENDMENT BILL

[*Progress, 9th July*]. Order for Committee read.

House in Committee.

Mr. BOUVERIE said, as they had only an hour to proceed with the Limited Liability Bill, he thought it would be more convenient to those hon. Members who might wish to discuss its provisions if he were to postpone the Committee till Thursday. He would, therefore, propose that the Bill be committed on Thursday, at 12 o'clock.

Mr. GLYN said, he hoped the right hon. Gentleman would fix Thursday morning as the positive time for bringing on the subject, as he and other hon. Members had other important engagements which would make it very inconvenient for them to attend the House at that hour with an uncertainty of the discussion coming on.

Mr. MITCHEL said, he must also express a hope that hon. Members would not be unnecessarily brought down to the House, but that the discussion would be positively fixed for Thursday.

Viscount PALMERSTON said, he exceedingly regretted that the business of the House should interfere with the private convenience of hon. Members, but Government could not command or control those things, and he hoped that a sense of public duty would reconcile hon. Members to accommodate themselves to that portion of time which the public interest rendered necessary to be appropriated to the business of the nation. He certainly had had no idea that the Motion for the postponement of the Tenants' Improvement Compensation Bill would have taken up so much time as it had done; however, there was one objection which could not be urged on the present occasion; it could not be said that due notice was not given of the intention of the Government to proceed with the Partnership Bill on Thursday next.

Mr. SPOONER said, he wished to ask the Government whether they were quite certain that the House of Lords would receive those measures after the Resolution they had adopted—viz., that no Bill would be read a second time in the Upper House after that day.

Mr. ALEXANDER HASTIE said, there was not a single clause in either of the Bills to which some hon. Member or other did not object. The whole of the Report of the Commissioners was against the Bills; practical experience was against them—honesty was against them. ["No, no!"] He was prepared to put before the Committee a case, founded on the experience of other countries in such matters, which could hardly fail to induce it to pause. He entreated the noble Lord at the head of the Government to postpone the Bills till next Session, especially as it was impossible that they could pass at that late period.

Mr. J. G. PHILLIMORE said, he hoped the noble Lord would not take counsel from a declared enemy of the Bills.

Mr. CARDWELL said, that although he made an unsuccessful appeal to the Government last night, after the experience of that morning he felt bound to renew it. A Bill had been withdrawn that morning because the House of Lords had determined that they would not take the second reading of any Bill which was not of an urgent character after that day, and what prospect was there of passing the Bills now under consideration during the present Session? Several most important Amendments were upon the paper—specially he would refer to those of the hon. Member for Belfast, and it was most important that they should be fully and considerately discussed. It was impossible that that could be done if the Bill was to go to the other House in sufficient time; while, on the other hand, if the Bill was not intended to pass, there could be no use in proceeding with it.

Mr. MUNTZ said, he hoped the noble Lord would put off the consideration of both the Bills—the Partnership Bill and the Limited Liability Bill. They both emanated from the Board of Trade, the heads of which knew nothing about trade. Those Bills would introduce a system of trades' unions, which would be most dangerous to the public and of no benefit whatever to the parties themselves. He must deny that the system had worked well in America. It had, on the contrary, acted prejudicially to the real interests of the community.

Mr. HENLEY said, he would put it to the noble Lord at the head of the Government whether there was any practical good in persisting in going on with the Committee. No man could say that there was a chance of the Bill passing the House of Lords. The subject was one of very great importance, and he himself saw his way to very lengthened discussions. The noble Lord would be taking up one or two days with the discussion on the measure without any probability of passing it, and, moreover, the discussion it would be subjected to would be damaging to it.

Viscount PALMERSTON said, he had considered the Bills attentively, and he regarded them as being a very great improvement in the commercial law of the country. He also believed that they were in unison with the opinions of a great majority of the Members of that House; at all events, he was quite convinced that they were much desired by a great majority of the country. He conceived that there was ample time for a calm discussion of their provisions, and that on Thursday hon. Members might well discuss both the principles and details of the two measures. As to whether the House of Lords would relax its rules for the purpose of passing the Bills in question, that, he considered, would depend upon the majority by which the Bills might be carried in that House. He could only say that should the House, after full discussion, consider the measures to be deserving of their authority, that would be the best way of carrying them through the other House of Parliament.

Mr. GLADSTONE said, that he had gathered from all sides of the House, both from those who were friendly and those who were hostile to the measure, one opinion in which they all appeared to concur —namely, that it was impossible to secure for this measure due discussion at that period of the Session. The noble Lord had said he could not assure the passing of the Bill through the House of Lords; but that it would depend upon the majority with which it passed that House. The House of Lords had adopted a strong measure which experience had suggested, and he wished to know what reason they had to expect that the House of Lords would be disposed to relax that rule in the present instance? But he considered this to be a question which touched the dignity of the House of Commons itself. It was not fair to discuss, morning after morning and evening after evening, Bills like the Scotch Education Bill, which there was no possible chance of being passed into law. If the House wished to maintain its own position, it should not allow its time to be spent in the discussion of measures which it had reason to believe would not eventually be passed.

Mr. BOUVERIE said, his notion of consulting the dignity and character of the House of Commons was totally distinct from that of the right hon. Gentleman, who appeared to think that the House of Commons should be guided in its discussion of measures according to the probability of their being entertained or rejected by the House of Lords. That was a doctrine which he could not adopt. No doubt the rule which had been adopted by the House of Lords was a good one. It was founded on the fact that the House of Commons had been in the habit of sending up to that House a great number of Bills at a late period of the Session; but that reason did not apply in the present instance. There was not such a flood of measures going up to the House of Lords as would make it necessary for their Lordships to apply the rule to the present measures. Reference had been made to the number of notices of Amendments, but it was a remarkable fact that not one of those Amendments had reference to the principle of the Bill. He believed that the country was very anxious that the Bills should pass, and he therefore hoped the House would enter fully into the discussion of them on Thursday next.

Mr. W. BROWN said, he must express his astonishment that the Government should have brought forward Bills in the face of the Report of a Committee which was decidedly against any such measures.

Mr. MOFFATT said, that if the opinion put forward by the right hon. Gentleman (Mr. Gladstone) were correct, hon. Members ought at once to proceed to their several homes. The principle of the measures had, he believed, been generally admitted, and the Amendments to be proposed were merely verbal.

Mr. GLYN said, the Amendment of the hon. Member for Belfast was a most important one. It was not probable that the law Lords would relax the rule of their Lordships' House in favour of those measures.

Mr. BRIGHT said, he thought that the House would put itself in a ridiculous position if it deferred to a rule made by the House of Lords. Hon. Members must know very well that a Bill of much importance was passed last year by that House, although the day fixed for taking second readings had passed. Whether the House of Lords would relax its rule or not was a matter for the noble Lord at the head of the Government to consider; he ought to know better than that House could what was the chance of the success of the Bill elsewhere. For his own part, he (Mr. Bright) could only say that wherever he went he met with the most earnest inquiries with regard to the passing of the Bills. There could be no doubt but that the people generally—with the exception perhaps of a few capitalists, who found that they got on very well under the present system—believed that the present state of the law was unjust in principle, and injurious in practice in its effect upon trade, and that they looked with anxiety for its speedy alteration. Under such circumstances, he should advise the noble Lord—it was not often he advised him—to stand upon his resolution of going on with the Bill on Thursday. He believed that the Bishops were not adverse to the Bill—and hence he could not but think that Government pressure might easily pass the Bill through the other House.

Viscount PALMERSTON said, he agreed with the hon. Member for Manchester, that, whenever the opinion of the country was earnestly expressed for a change in the law, it would be unfitting in that House to regulate its proceedings by any rule which the House of Lords might have laid down. It should, however, be remembered what the Resolution of the House of Lords was. It was a qualified rule, and embodied in it words to the effect that they would not read a Bill a second time unless under peculiar circumstances and in case of emergency. Now he (Lord Palmerston) thought that if any measure would be entitled to the benefit of this exception it would be such a measure as the present. He should therefore take the sense of the House as to proceeding with the Bill on Thursday next.

MR. VANCE said, he had consulted the opinions of several persons, and had ascertained that, in their opinion, the first Bill would be a dead letter, and that the second would be one for legalising schemes of fraud.

Motion made and Question put, "That the Chairman do report progress."

The Committee *divided*:—Ayes 89; Noes 41: Majority 48.

House resumed, Committee report progress; to sit again on *Thursday* at Twelve o'clock.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at ten minutes after Six o'clock.

HOUSE OF COMMONS,

Wednesday, July 25, 1855.

MINUTES.] PUBLIC BILLS.—1° Crime and Outrage (Ireland) Act Continuance.
3° Incumbered Estates (Ireland) Acts Continuance.

MARRIAGE LAW AMENDMENT BILL.

[*Progress, 20th June.*] Order for Committee read.

House in Committee.

THE ATTORNEY GENERAL said, he would appeal to the hon. Member who had charge of the Bill whether it was worth while to go on with it at the present advanced period of the Session? From the difference of opinion which existed on the subject, and in the face of the Resolution of the House of Lords not to receive any Bills for a second reading after the 24th of that month, there was very little hope of the present measure being passed into a law during the Session.

MR. HEYWOOD said, he must accede to the appeal of his hon. and learned Friend, but at the same time, he must express a hope that he would be enabled to introduce a similar measure sufficiently early in the next Session to have it passed into a law. He would, therefore, move that the Chairman Report progress.

MR. VINCENT SCULLY said, he hoped that in any future Bill the hon. Member would place Ireland in the same situation as Scotland, by excluding it from the operation of the measure.

MR. NAPIER said, that certain parties had industriously circulated papers amongst the Members of that House, containing the grossest misrepresentations in connection with the subject. They especially misrepresented the opinions of the people of Ireland upon this question of marriage. He had himself presented a petition from the General Assembly of the Presbyterian Church in Ireland, which stated that the measure was peculiarly offensive to them, and at variance, as they believed, with the word of God. His constituents—Catholic, as well as Protestant—were equally opposed to the Bill. In anything that had fallen from him upon the subject, he begged to disclaim saying anything disrespectful of the Nonconformist body. The hon. Member had excluded Scotland from the operation of his measure, but the feelings of the people of Ireland were as much entitled to consideration as the people of Scotland. Should the hon. Member introduce the Bill next year he could promise him the same opposition as he had received this year.

House resumed; Committee report progress; to sit again upon this day three months.

BLEACHING, &c., WORKS BILL.

Order for Second Reading read.

SIR GEORGE GREY said, he must appeal to the hon. and learned Gentleman (Mr. I. Butt) who had the charge of the Bill, to know whether he seriously intended to press the measure during the present Session? The Report of the Commission on the subject of the Bill had been but a short time before the public, and as there were a great number of persons deeply interested in the Bill, he thought it was hardly fair to press a measure of such importance at that late period. He did not wish to prejudice the Bill in a future Session, and would therefore abstain from making any remarks upon the objections which he understood might fairly be raised against it.

MR. I. BUTT said, that the Bill stood in a peculiar position, both as regarded that House and the House of Lords. Towards the close of last Session the House of Lords had unanimously passed a Bill that was substantially the same as the present. He therefore thought there was good reason for supposing that the Upper House would not object to pass the Bill in the present Session, notwithstanding the Resolution respecting the reading of Bills after the 24th of that month. He was in great hopes the right hon. Gentleman exaggerated the amount of opposition it was likely to meet with. There were other considerations which urged him to press forward the measure. In the Bill which came down from the House of Lords last year an objection was made against proceeding with it in that House until an inquiry was instituted into the whole subject. In consequence of that objection the Bill of last Session was given up, and a Royal Commission of Inquiry was issued, upon the understanding that if the Report of that Commission bore out the alleged facts represented, there should be legislation upon the subject in the present Session. Well, that Commission was issued. Mr. Tremenheere, the Commissioner, went into the several districts where bleaching-works were carried on, and examined a great many parties connected with the works. The result was the presentation of a Report, which recommended the immediate adoption by Parliament of such a measure as he had the honour of introducing into the House. The question had excited the deepest interest amongst all the working classes, who anxiously desired the passing of the measure. He was afraid that as they objected last year to consider the measure without inquiry, now that that inquiry had taken place, if they refused to legislate upon the subject in the present Session an impression would go abroad that the House was utterly indifferent to the wrongs and sufferings of the working classes. The Report of the Royal Commission, though it recommended immediate legislation upon the subject, also recommended that a considerable period should elapse before any Bill that was passed should come into operation, in order to enable the parties to be affected by it to make such arrangements as would be necessary to meet the requirements of the measure. He thought that he had said sufficient to induce hon. Members to make up their minds as to the principle of the Bill. He was unwilling to set himself against the opinion of the right hon. Gentleman the Home Secretary, but yet he felt that he had a duty to perform towards a large and helpless class of persons, who had entrusted their cause to his advocacy, which compelled him to persevere even in opposition to the right hon. Gentleman. He was now representing the interest of a great number of workpeople, and in moving that the Bill be read a second time, he would throw upon the House the responsibility of rejecting it—if they were determined to ignore the frightful state of things vouched for by a Royal Commission. The best information he could give with respect to the Bill was to state to the House the reasons why it originated with the working classes. In 1853 some of the working bleachers in Bolton formed a Short-time Committee, for the purpose of obtaining the same protection in regard to the hours of labour as had been given by Parliament to manufacturers, and which had been found to work so advantageously both for the employer and the employed. At the same time a similar movement arose in the west of Scotland. In the month of November, 1853, the workmen met together upon the subject, and agreed to a memorial, which was presented to the masters. That document was highly creditable both to the intellect and the good feeling of the workmen. They stated it was notorious that those employed in the bleaching-works were, generally speaking, far beyond the persons employed in the manufactures, both in regard to education and intelligence, and they prayed for the adoption of such arrangements in reference to the time of labour as had been enacted in regard to the former. It was equally creditable to some of the masters that they had met their workpeople in the fairest spirit. In June, 1853, thirteen of the employers in Scotland agreed to limit the hours of labour to sixty-six hours in the week. On a subsequent occasion twenty-three masters, representing the greater portion of the entire body, agreed to limit the hours of labour to sixty hours in the week, but upon the condition that such a regulation was adopted by the whole trade. The origin of the Bill might then, in fact, be said to be the voluntary agreement entered into between the masters and workpeople in the west of Scotland, which it was subsequently found to be necessary to enforce by the very regulations embodied in the present measure. Although so many masters had agreed to that arrangement, subject to its being assented to by the whole body, it was found that it was in the power of two or three masters to defeat that arrangement, which it was therefore felt to be impracticable to carry out without legislative interference. Last year those workpeople were fortunate enough to obtain the assistance of Lord Shaftesbury, who introduced a Bill into the other House for their relief. That Bill passed, as he had said, unanimously, and it came down at a late period of the Session to that House. About that period he was asked by some of the workpeople to take charge of the measure, and he readily assented to do so. When the Bill came down to the House of Commons an objection was taken, not to the principle, but it was said that there were regulations attached to the bleaching trade which required special provisions, and it was urged that an inquiry should be made before they proceeded to legislate upon the subject. Upon that objection the Bill was withdrawn, and a Royal Commission for inquiry was issued. Mr. Tremenheere, who conducted that inquiry, went to the bleaching works in the United Kingdom, and heard all the statements that could be made by these persons in connection with them. The Report was delayed for a considerable time. At length it was laid on the table on the 7th of June; and as soon as it was placed in the hands of Members he moved for leave to introduce his Bill. Accompanying that Report was a body of evidence upon the subject; and he appealed to any one who had read that evidence whether he was not now fully justified in saying that he ought not to incur the responsibility of allowing such a state of things to continue for another year, so far as it was in his power to prevent it. That day was the first then upon which he had the opportunity of bringing the case properly before the House. The bleaching-works were at present free from those regulations which were found by the manufacturers to work so advantageously both for the employers and the employed. Very many of the masters were, however, now convinced by experience that the system adopted in the bleaching-works was highly detrimental to the working classes. It was scarcely necessary for him to argue in favour of the adoption of the proposed measure, the fact was so obvious. It rather lay with those who objected to the principle to show why it should not be extended to those employed in bleaching-works. The evidence upon the subject had been taken down by Mr. Tremenheere from the lips of operatives who had worked for successive months for sixteen and eighteen hours a day; from the lips of fathers, who said they had stood by and seen their daughters of fifteen, sixteen and seventeen years of age, going through their labour for weeks together without hardly any interval of rest. The general statements had been well put in a petition sent from Manchester and Salford, and which was signed by clergymen of all religious denominations. They stated that it was customary in those establishments for females and young persons to labour for from sixteen to eighteen hours a day, and frequently for whole nights together, except for the very short time that was allowed for meals. In addition to that labour they worked in confined and crowded places, where they were surrounded by the most unwholesome atmosphere. And they were consequently never brought within those influences which improved the body as well as the mind. Mr. Tremenheere says in his report—

> "The facts, as respects the actual hours worked at the bleaching and finishing works, are these:—Some masters will have so much employment as to keep their 'hands' at work for twelve months together, from between six and seven in the morning until eight, nine, and ten at night; and a portion of their 'hands' will occasionally work on to a later hour, and sometimes nearly all night, for two or three nights together. The evidence shows that both at the large and small bleaching and finishing works a very common state of things is that the work goes on for those 'long hours' (as they are called) continuously for many months together; in some instances for so many as six months, in others for twelve months and more together.
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> "Alexander Nightingale, of Mr. Heywood's bleach-works, Salford, in his evidence, said:—I am head maker-up. In the making-up room there are nine boys from eleven to fourteen, and three girls and three boys from about fourteen to about seventeen. The hours of work are sixteen or seventeen per day, and have been for the last three or four months. The boys and girls are always very tired, and there are nearly always one or two of them off sick from working so long; they often complain of their shoulders aching from lifting the cloth, and very often have sore feet; they would all like to have the short-time Bill, although they would earn less, because they would have less labour and more rest. I have heard many of these little lads complain of not having an opportunity of going to a night school, and the girls the same. For a month or six weeks in the year we may not have work for half the day; the rest of the year we are working long hours, sometimes twelve and fourteen, sometimes sixteen, seventeen, and eighteen."

Now, a Royal Commission having been granted, and those facts proved, he thought that it was the duty of that House to take the earliest opportunity of expressing its opinion upon the matter by reading the Bill a second time, and thereby giving those unfortunate people an assurance that their complaints would be attended to by Parliament. The system of labour was carried on in rooms in which the temperature ranged from 100 to 130 degrees—

> "James Thomson, of Mr. Wallace's bleaching, scouring, and finishing works for cotton and woollens, Burnbank, Glasgow, said:—I am manager of these works, and nephew of the owner. We employ about ten men and forty females. We have that number in summer. Our usual hours are in winter from six till nine (half an hour for meals), and on Saturdays we stop at three, stopping half an hour for breakfast only. In summer the hours are nominally the same, but some of the hands work generally for fifteen hours a day at the very least, for three alternate days a week; but sometimes it is every day in the week, and occasionally from six a.m. to twelve p.m. the whole week through. We did that last summer several times. Three days we worked twenty hours each day. The age of most of our girls is from ten to eighteen. The stove-rooms in which they work are in winter heated up to 100 to 110 degrees; in summer the heat is from 120 to 130 degrees."

Now, he would appeal to the hon. Member who had given notice of his intention to move that the Bill be read a second time on that day three months, and who he (Mr. I. Butt) knew felt as strongly for the working classes as any other man, was that hon. Gentleman prepared to justify such a system, and to say that the Legislature should not interfere to prevent poor girls, from the age of ten to eighteen, working in such a temperature from the hours of six o'clock in the morning until twelve o'clock at night? The Bill was a Bill for the protection of the master as well as the servant. Hear what the witness further said—

> "I feel, when I am urging the females to work these long hours, I am doing what is not right, but I have been urged to do it to get a lot of goods finished. Sometimes they stay here all night, and then we make a place for them to lie down upon in a store-room upon the pieces of goods unfinished, Sometimes fourteen or more girls will pass the night in this manner, after working nineteen hours, and coming out of those hot places dripping wet with perspiration, and their clothes wet through with it."

Now, those facts were indisputable, and not to be controverted. Well, then, with such facts before him, he asked the House whether he was at all unreasonable in begging them even now to give him their assistance in providing a remedy for such enormous evils? When the Government had taken upon themselves the responsibility of sending a Royal Commission down through the country to take evidence upon the subject—when that evidence came back to them, and that the Report founded upon it was laid upon the table—he submitted that those facts imposed upon the House the duty of taking steps without a moment's delay for preventing such things being any longer continued. He confessed he could not understand, even at the present advanced period of the Session, how the House could be occupied with a matter more vitally affecting the health, well-being, and happiness of the working classes than that now under consideration. The House had been recently legislating for the compulsory observance of the Sabbath; but would they not be doing infinitely more to promote that object, and making the Sabbath truly a day of rest, by compelling masters to shorten the hours of labour of the children, and allowing them to have the Sabbath entirely to themselves? If, while passing Bills to prevent the working man getting his beer and provisions at other than particular hours on the Sunday, they refused to interfere on behalf of the children attached to the bleaching-works, then all he could say was that their legislation for promoting the observance of the Sabbath was founded in hypocrisy. The extracts he had read from the Report of Mr. Tremenheere were mere samples of the evidence, and he did not think he had taken the strongest cases. All he had done was to select such cases from different parts of the country as most clearly showed how young persons and children were employed in bleaching-works. Then what were the effects of the employment upon the morals of the people? The evidence showed conclusively that the difference between persons employed in bleaching-works and in factories was almost perceptible to the naked eye. Factory workers were subscribers to mechanics' institutions; bleachers were not. Factory children attended schools; bleaching children did not; and in the manufacturing towns the inferiority of the children in the bleaching-works was so marked and decisive as to be the object of general observation. He asked, then, was it possible to present a case which more deserved the consideration of the House, and which even warranted it, though at the fag-end of the Session, to entertain the question? The measure was not the result of agitation, or of a spirit of antagonism on the part of the workpeople towards their masters. The workpeople, seeing what had been effected by the regulations adopted by the Legislature in factories, met together —not tumultuously—and applied to and obtained the assent of their masters to the regulations which he proposed to the House to enact, provided all the masters agreed. The masters generally were not opposed to the Bill. The opinions of a number of them had been taken by Mr. Tremenheere, and a very large proportion had expressed themselves as favourable to legislation. In Scotland they were almost unanimous, and throughout this country he should say they were decidedly in favour of legislative interference, though some would limit the number of hours for labour to sixty-six in the week, and others to seventy. Some of the masters said that whilst they would be glad to see the hours limited, they could not do it for two reasons—namely, that if you restricted the hours of labour, you increased the expense of bleaching cotton so much that your cotton manufacturer would be undersold in the foreign markets; and that if you did not allow them to produce fast, by forcing their workpeople to work extraordinary hours, the Manchester manufacturers would lose their orders. Now, even if these arguments were founded on fact, it would not reconcile him to allowing such scenes as the evidence depicted to go on a single hour longer. He must contend that the employment of children for those long hours was a crime; and if the prosperity of the cotton manufacture depended on the continuance of the crime he would not listen to the argument, more than if he were told that the crime of murder might be necessary. But what was the fact? A piece of cotton that sold for 6*s.* 6*d.* was bleached for 9*d.*, thus making its selling price in the market 7*s.* 3*d.* Suppose by limiting the hours of labour the expense of bleaching was enhanced by 10 per cent, the whole effect would be to raise the cost of producing that piece of cotton from 7*s.* 3*d.* to 7*s.* 4*d.*; and was he to be gravely assured that such an increase as that would actually destroy the cotton trade? Mr. Tremenheere asked the masters the names of the merchants who would bear them out in their statement, that it was necessary to have the orders executed in a short time; and they gave him the names of fourteen in Manchester; but upon inquiry of these gentlemen, ten expressed themselves favourable to a Bill restricting the hours of labour, and four only supported the views of the masters. He thought, then, that he had established his case; that there was not a pretence for saying that the same principle of legislation ought not to be applied to bleach-works which Parliament had repeatedly sanctioned with regard to factories, and that if legislation was necessary in the latter, it was equally so in the former. To accomplish the object he had in view, he proposed in the first place to limit the work of children between eleven and twelve years of age, and of women of all ages, to ten hours and a half a day; the hours to be between six in the morning and six in the evening, allowing one hour and a half for meals. That he proposed in accordance with the recommendation contained in Mr. Tremenheere's Report. He had, however, introduced a provision that the master might keep them at work until half-past six in the evening, provided he gave them two hours during the day for meals. With regard to adult labour and motive power he was not prepared to interfere at all; machinery would, therefore, be left to work as long as the master pleased. In fact, the measure was simply and entirely a Bill to regulate the hours of labour for women and children. It might happen that some change in the weather required that the people should work extra hours; and here, again, in accordance with the Report of Mr. Tremenheere, he had introduced a provision to meet such a contingency, so that whenever, under such circumstances, a master required extra labour it should be no offence against the Act to employ the children extra hours. That legislation must take place upon the subject, though there was nothing more in the case than the facts he had brought before the House, he was quite convinced. The opponents of the measure might succeed in defeating it to-day, but he put it to them if that would be a wise course, with reference to the harmony of the relations subsisting between the masters and their workpeople, and which up to that time had not in the slightest degree been disturbed? Pass the Bill now, and it would be received as a boon—a graceful concession—on the part of the employer to the employed. Thwart, obstruct, and defeat it now, and next year it would become a right of the workpeople extracted from the unwilling masters by the strong arm of the Legislature. Now, he asked them which course would they pursue? That the Bill would ultimately pass was just as certain as that he was then addressing the House. It was for hon. Members who represented the masters there to say whether it was wise or safe, for the sake of continuing the unhallowed gains which they derived from the horrid system he had exposed to the indignation of the House, to provoke an agitation during the coming recess, in which, perhaps, the same moderation, and the same reliance on the justice of their cause that had hitherto marked the conduct of the workpeople, might not be displayed. He hoped he had satisfied the House that the Bill ought to pass now, and in that hope he begged to move its second reading.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. KIRK said, he should propose, as an Amendment, that the Bill be read a second time that day three months. If there had been any obstruction to the passing of the Bill, the hon. and learned Gentleman (Mr. I. Butt) was himself the great obstructor. When the Bill came from the Lords, last year, he (Mr. Kirk) said, that if they omitted Ireland from the Bill he would allow it to pass, but as the owners of bleaching works in Ireland were not guilty of these abominations—as they employed very few females, and no children under fourteen years of age—it was objectionable that they should be put under the provisions of a Bill which had reference to parties who employed children of the tender age of eight and nine years. In Ireland the workpeople went to their employment at six in the morning, and left it at six in the evening. But what said the hon. and learned Member (Mr. I. Butt) on that occasion? Why, that if Ireland were omitted, the whole of the bleaching trade of England would be transferred there. The sort of legislation required was an Act that would not allow the employment of any child under the age of fourteen. He did not think the evidence obtained by the Royal Commission was conclusive upon the subject, and until he came here to attend his Parliamentary duties in February he was not even aware, though himself engaged in the trade, that such a Commission had issued. He held that the matter ought to have been submitted to a Select Committee of that House, in the first instance, with a view to the introduction of a Bill that would lead to a complete settlement of the question. He was quite prepared to let the Bill next year go to a Select Committee, where it could be fairly and honestly considered and matured, and made a Bill that would be equally honourable to the employer and safe to the employed. To such a measure as that he should be the first to give support; but to the Bill in its present shape, containing, as it did, many provisions to which he decidedly objected, he could not give his assent.

Amendment proposed, to leave out the word "now," and, at the end of the Question, to add the words "upon this day three months."

Mr. CROOK said, he should support the Motion for the second reading. There was nothing in the nature of bleaching operations, which consisted simply in washing and whitening of cloth, to justify the cruelties which marked the present system. They were told that the pressure on labour fluctuated very much; but in some establishments the work was continued night and day all the year round. The hon. Member for Newry (Mr. Kirk) said the bleaching establishments in Ireland were not in the habit of working over-hours. Mr. Tremenheere gave a different account of the matter. He stated that there were many instances of that kind, and among them he mentioned that of the hon. Member's own firm. The hon. Member also stated that very few females were employed in Ireland; whereas Mr. Tremenheere stated that there were 1,100. According to the same authority, there were nine firms in Scotland which never worked over-hours. The Bill mainly affected the neighbourhood of Bolton, which depended greatly for its prosperity on bleaching operations, and, as a native of that town, he would not willingly do anything which tended to injure it; but he thought that some alteration in the system was absolutely necessary.

Sir GEORGE GREY said, he had already told the hon. and learned Member (Mr. I. Butt) that it was inexpedient at that period of the Session to proceed with the Bill, and not only inexpedient, but even unjust with reference to those who were personally interested in the subject to which it related. He would shortly state to the House the course of events with regard to the measure now under consideration. A Commission was appointed, consisting of Mr. Tremenheere alone, in December last, to inquire into the subject, and it was understood that the Bill which passed the House of Lords last year was to be laid aside until that gentleman's Report was before the House. Well, that Report was not ready before the 7th of June, and not in the hands of Members until the middle of that month. It was then considered advisable that the Report should be circulated amongst the persons who were interested in the matter, so that they might be made acquainted with the nature of the evidence and the recommendations it contained. Shortly after the Report was laid on the table, the hon. and learned Gentleman (Mr. I. Butt) accompanied by some working men engaged in that branch of industry, came to him (Sir G. Grey), and asked if he would oppose a Bill founded on the Report of Mr. Tremenheere, and he told them, in answer, that considering the nature of the Report and the length of the evidence appended, it was unreasonable to suppose that Parliament could pass a Bill founded on that Report at such a late period of the Session. The hon. and learned Member then said that he merely wished to be able to lay the Bill before the House in order to its being fairly considered; and upon the distinct understanding that he (Sir G. Grey) was not pledged to support the Bill at any future stage, and that he reserved to himself the right to oppose its further progress, because there was not sufficient time to consider the evidence and the Report, he said he would not oppose the introduction of the measure. He also stated to the hon. and learned Gentleman that there would be great opposition to the Bill, and that hasty legislation on a subject of that kind, at the end of the Session, was likely to be injurious to all parties, even those who promoted it. He thought, therefore, that the hon. and learned Gentleman was prejudicing his case, and the case of those whose interests he advocated, by asking the House now to assent to the second reading. If the House went to a division, he should vote against the further progress of the Bill, reserving to himself full power and right to consider any measure that might hereafter be laid on the table, and also whether the inquiry had been so full and complete as to render all further inquiry unnecessary. He did not mean by this to impugn the ability or impartiality with which Mr. Tremenheere had conducted his inquiries; but because that Gentleman happened to be a Royal Commissioner to inquire into the subject constituted no reason why the House of Commons should abdicate its functions, and refuse to institute another inquiry if it should think proper.

LORD SEYMOUR said, he would appeal to the House whether it was expedient to proceed further with the Bill. If they now proceeded further with it, they might only create obstacles in their way, and render it more difficult to meet the question next Session. He should oppose the second reading, in order that the House should have a fair opportunity next Session of considering the question.

LORD JOHN MANNERS said, he wished the noble Lord the Member for Totness to remember what had passed before the second reading of the Bill was moved. The right hon. Baronet the Home Secretary said that a strong opposition was to be expected to the measure; but he could not have meant that that opposition was to come from the workpeople, and the hon. Member (Mr. Kirk) who was charged with the opposition to the Bill, and was himself engaged in the trade, had stated all the objections that existed to legislation on the subject. He (Lord J. Manners) had waited to hear if there were any arguments by hon. Members against the Bill except from the hon. Gentleman who moved its rejection; but even that hon. Gentleman had not urged a single argument against the principle of the measure —on the contrary, he had spoken as if he was in favour of the principle. If there were no persons in Ireland who could be affected by the provisions of the Bill there could be no ground for opposition to it, as it would interfere with no man. The only question at issue, however, was whether those enormities which existed in connection with the subject should be suffered to exist in any part of the kingdom because the hon. Member was opposed to supervision and inspection as an inconvenience to manufacturers and masters. He (Lord J. Manners) submitted to the right hon. Gentleman the Home Secretary whether it was not most consistent with the interests of masters themselves to pass the Bill during the present Session, as it would give them sufficient notice and enable them to make such preparations to meet the change as might be deemed necessary. The House of Lords had almost unanimously sanctioned not only the principle of the Bill but also its main provisions; and it was, therefore, not likely that the House would interpose any delay if the Bill went through the House of Commons, inasmuch as it concerned the interests and well-being of an important portion of the working classes. He hoped, therefore, the House would agree to the second reading of the measure.

MR. CAIRNS said, that if called upon to say aye or no to the Bill framed as it was at present, he would say "no." Not that he was unfavourable to its principle, but that he could not consent to have all the interests which it involved treated as if they were homogeneous, which in no respects they were. The course taken with respect to the inquiry was defective in appointing a Commission instead of a Committee, in the first instance; then the Commissioner set out with a foregone conclusion that he had to make out a case to extend the Factory Act to bleach-greens, though bleach-works were essentially different from cotton factories, and some of the works were conducted in the open air. Moreover, the owner of the bleach-works could not control his productions as the cotton manufacturer could, because he was in the hands of his customers, and if he did not execute the orders which he received in the specified time, the trade would leave the country. Under these circumstances it would be impossible for him to compete if the hours of labour were limited. The propositions of the Bill were most objectionable, also, as regarded the workpeople themselves; for if the bleach-masters were to be limited in the hours for employing women and boys, they would get rid of their labour altogether, and employ a fewer number of them to do the same work. As regarded Ireland, the process of bleaching was as different from that of England as making hats was from making shoes, inasmuch as in the one linen was bleached in the open air, while in the other cotton was bleached in stove-rooms highly heated. Yet the Bill proposed to legislate for stove-rooms, as if the processes in both countries were perfectly similar. He (Mr. Cairns) did not object to popular legislation on the subject, but he objected to the Bill as monstrous legislation. The whole principle of the Bill was in the details; there had been no case made out in respect to all those details; and he therefore asked the House not to legislate hastily on the subject, but to postpone it for another Session, otherwise it would go out without authority, and come back without respect.

Mr. WILKINSON said, that the noble Lord (Lord J. Manners) must not suppose, because hon. Members on that side did not wish to take up the time of the House, that they had no objection to urge to the Bill. He (Mr. Wilkinson) had the interest of the working classes quite as much at heart as the noble Lord, but he feared that the result of the Bill would be, instead of easing that class of too much work, to take the work entirely from them.

Sir JOHN PAKINGTON said, he would also suggest whether it was worth while to proceed with the measure, as it was obvious it could not be passed that Session. It was clear from the debate that great difference of opinion existed on the subject; and it was doubtful, therefore, even if it went through Committee, that the House of Lords would rescind their rule and permit it to pass through Parliament. He, therefore, put it to his hon. and learned Friend whether he would, under those circumstances, persevere in it?

Mr. G. DUNCAN said, he objected to the Bill, and he denied that any hardship existed which required to be remedied—at least as far as the district with which he was acquainted was concerned. He hoped, therefore, the Motion would be withdrawn, as he did not think it would in any way conduce to the benefit of the working classes.

Mr. CHEETHAM said, he also was opposed to the Bill. He considered that the House ought not to interfere with employment, or, if it did, it should throw the responsibility on the Government.

Mr. W. WILLIAMS said, he thought that all fear of a measure of à description injuring the manufactures of the country was entirely unfounded. The trade of the country did not depend upon the slavery of a few boys and girls, as any Gentleman who had been connected with commerce was well aware; he, therefore, trusted that the hon. and learned Gentleman would proceed with the Bill.

Mr. I. BUTT said, he felt that it would be to betray the interests of the poor creatures whose case he had undertaken not to take the sense of the House on the Bill. No ground could be shown for excluding Ireland from the Bill, though women and children were certainly not employed so long as eighteen hours a day in that country. As regarded the argument that the question should be left to the Government, his reply was that all the great measures which advocated the cause of humanity had been brought before Parliament by private Members—the Slave Trade, Roman Catholic Emancipation, Reform, and others.

Mr. BRIGHT said, he thought that nothing could be more unsatisfactory than that the Government should choose any one they pleased to inquire into subjects of a nature like the present, because the evidence so collected was of an *ex parte* nature and was never regarded with general confidence, and the House ought not to be called, upon such evidence, to legislate upon questions of such great importance. The hon. Member for Lambeth (Mr. W. Williams), in a state of child-like ignorance, never having been in a bleach work, never having read the evidence, took upon himself to talk of the slavery in those bleaching factories, whereas the condition of the working people employed in them was better, perhaps, than that of those in any of the other factories. He begged to give notice that if the Bill were introduced next Session, he should move that it be referred to a Select Committee.

Sir JOHN SHELLEY said, he quite agreed that the interests of the employers should be considered as well as those of the workpeople, and he hoped that the hon. Member for Manchester (Mr. Bright) would persevere in the course which he had announced it to be his intention to pursue if the Bill were introduced next Session.

Viscount GODERICH said, that his impression was that the noble Lord at the head of the Government had not promised a Committee, but only a Commission of inquiry. He did not think that his hon. Friend (Mr. Bright) had been quite just to the Commissioner who drew up the Report upon the question, when he said that the evidence was one-sided. It was certainly taken without the advantage of cross-examination, but both masters and workmen were fairly represented.

Mr. COBBETT said, he was convinced, from his own experience, that the principle of the Bill ought to be approved by the House, even if no further progress could be made with the measure during the present Session. He contended that sufficient evidence had been taken before the Commission, of 1843 to warrant the House in legislating on the subject, and when the Report of Mr. Tremenheere was added to that he thought the House could hardly vote against the principle of the Bill now before them.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 67; Noes 72: Majority 5.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for three months.

UNION OF CONTIGUOUS BENEFICES BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. APSLEY PELLATT said, it was his intention to oppose the Bill. It had been introduced into the House by no Member of the Government; no explanation had been given with regard to it; and, considering that the subject had come before them at that late period of the Session, and that the Bill threw so much power into the hands of the Bishops and the Church Commissioners, he felt himself fully justified in moving that the House do resolve itself into Committee that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

The Marquess of BLANDFORD said, he wished the hon. Member for Southwark would devote his attention to Bills affecting persons entertaining his own peculiar religious opinions, and not interfere with Bills of the kind before the House. The Bill was most loudly called for by the religious aspect of the metropolis, which showed that one district overflowed with the means of religious instruction, while other districts were totally destitute in that respect. The measure was founded upon the third Report of the Commissioners for the Subdivision of Parishes, and had been prepared with much thought and consideration, and after due inquiry into the circumstances of the case. The subject was fully debated in the House last year, and the measure then submitted was thrown out on account of some objectionable clauses, though the importance of dealing with the question was not denied. The Report of the Commission to which he had alluded stated that there were in the city about sixteen parishes, in which, including the schools, the attendance on Sunday mornings did not exceed, on an average, sixty or seventy persons. On the other hand, there was in other parts of the metropolis a dense population greatly requiring church accommodation; and he thought, under such circumstances, it was necessary for Parliament to legislate, and allow the abundance which existed on the one side to supply the deficiency of the other.

MR. FREWEN said, he thought the hon. Member for Southwark had been misled by the preamble of the Bill. It did not provide for any compulsory legislation on the subject; it contained provisions for the union of contiguous benefices only in cases where the inhabitants should petition for such union.

LORD ROBERT GROSVENOR said, the Bill was very much sought for and would be attended with great advantage to the suburban districts of the metropolis. Some of its provisions were certainly objected to, but those objections might be reserved until the House went into Committee.

SIR JOHN PAKINGTON said, the hon. Member (Mr. Pellatt) was under a misapprehension as to the consideration the Bill had received. It had been referred to, and carefully considered by, a Select Committee of the Upper House, it had received the full sanction of the Commissioners of the Church, and it had been sent down to the House of Commons with the unanimous consent of the House of Lords. He therefore appealed to the hon. Member to allow it to go into Committee.

MR. HADFIELD said, he considered that the Bill was likely to introduce a vast amount of abuse. Besides, it had not at all obtained the notoriety to which its importance entitled it. He objected to the powers it contained being lodged in the heads of the Church, powers which belonged properly only to the Government and the Parliament of the country. It certainly was the opinion of the whole country that the heads of the Church should be relieved from all legislative and administrative functions, and that their attention should be confined to the sacred duties to which they had been called. He thought the hon. Member for Southwark would be doing good service to the country in pressing the House to a division on the question.

MR. HENLEY said, he thought it quite reasonable, under the circumstances, that those hon. Members who had taken any interest in the subject matter of the Bill should now be allowed an opportunity of expressing their opinions upon it. The main difference between the present measure and that of last year seemed to him to be that, while the latter was confined to London and other large cities, the Bill now before the House was a general one, applying to the whole country. Now, in his opinion, the extension of the Bill to the country districts was a misfortune, and not an advantage. Much stress was laid upon the number of persons attending church, but that was not the proper way to look at this subject. He had inquired into a few of the cases in which it was said that only fifty or sixty persons attended some of the city churches which it was proposed to sweep away. At St. Mary's, Aldermanbury, the persons attending church were said to be sixty, but the number of inhabitants by the last census was 667; at another church, the persons attending were set down at thirty, while the population was 190; and the population in all these cases was an element for consideration. There was no sufficient guard with respect to the application of the machinery as to the consent of the parties whom it was intended to deal with. Churches might be pulled down, sites sold, and bodies disinterred, and all this without any notice whatever to the parish in which the Bill was intended to apply. Now, he did not think that was a proper mode of proceeding, nor was it right that patrons, as the Bill provided, should be taken great care of, while the inhabitants should be entirely thrown overboard. Still, though he entertained those objections to the measure, he should not oppose the Motion for going into Committee.

MR. J. G. PHILLIMORE said, he objected to the Bill, on the ground that its provisions were of an arbitrary and exceptionable character, and that it sought to accomplish, by a side wind, an object which it did not honestly avow.

MR. GRANVILLE VERNON said, he should support the measure, but thought that many of its details would require alteration in Committee.

SIR GEORGE GREY said, he wished to call the attention of the House to a fact which had been mentioned by the hon. Member opposite (Mr. Frewen), namely, that the Bill could only be set in operation at the express desire of the inhabitants of the parishes to which it was to be made to apply. He, therefore, hoped the hon. Member for Southwark would allow the House to go into Committee on the Bill. It was so guarded, or was intended to be so guarded, in its provisions, that the objection to give arbitrary powers to the Church Commissioners or the Bishops did not apply to it.

LORD JOHN MANNERS said, he objected to the Bill as a means of providing for spiritual destitution. The Church Building Commissioners, it was true, had discharged their duty in a very satisfactory manner, and to the advantage of the Church of England; but it did not consequently follow that they should get the power of pulling churches down. Suppose that in fifty years (a thing which was not very likely) the parishioners should return to their parishes, where would they get the funds necessary to build the churches up again? His persuasion was that the present Bill was only their old friend with a new face; and he, for one, was prepared to repeat his vote of last Session.

MR. HINDLEY said, he believed that if proper preachers were provided, the least frequented churches in the City of London would speedily be filled.

SIR JOHN SHELLEY said, the subject was one of great difficulty. No one could deny the want of church accommodation in the districts around the metropolis; but who could say that the population would not return to the City in the course of a few years? He should vote against proceeding with the Bill any further.

MR. CUBITT said, he had voted against the Bill of last Session. He thought it was a hardship that the inhabitants of the City of London should be called upon to support churches beyond their own bounds. At the same time, there were more churches in the City than were required, and under all the circumstances of the case he would vote for going into Committee.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 70; Noes 47: Majority 23.

Main Question put, and *agreed to.*

House in Committee.

Clause 1.

MR. HENLEY said, he would suggest that some limit should be placed in regard to the population of benefices about to be united, and would, therefore, move to insert the words: "Provided always that such contiguous benefices do not exceed a population of 2,500.

SIR JOHN PAKINGTON said, he considered that it would be perfectly safe to leave the limit to be defined by the Bishops and the Church Commissioners.

MR. HADFIELD said, he objected to proceeding with a Bill of such importance at so late a period of the Session, the more especially as the Bill was in effect the same as that which had been rejected by a large majority last Session. ["No, no!"] The alterations were, at all events, immaterial.

MR. GRANVILLE VERNON said, the difficulty was what was a proper cure of souls for one clergyman. It was difficult, if not impossible, to say how many souls a single clergyman could look after. That was a matter which he considered ought always to be left to the Commissioners, and could not be decided by the House of Commons. Undoubtedly, there ought to be some provision for the more effectual cure of souls in populous parishes than at present existed. In many cases, he thought it would be possible that two clergymen might work together more effectually in one parish than in two distinct parishes.

The Amendment altered by the substitution of the number 3,500 for 2,500, *agreed to.*

Clause, as amended, ordered to stand part of the Bill.

Clause 2.

THE MARQUESS OF BLANDFORD said, he wished to move in line 37 to leave out the words, "Her Majesty's Commissioners for building new churches," and insert the words, "the Parish Commissioners," which was in accordance with a recommendation made by the Commissioners by whom the Bill had been framed. He would beg also to point out that as the Church Building Commission would expire in a year from that time, it would not be wise to place in their hands the power of carrying out the proposed measure.

SIR JOHN PAKINGTON said, his only object was that the powers should be placed in the hands of a body capable of carrying them out, and he concurred with his noble Friend, that it would be inconvenient to entrust them with a body whose functions would, under the existing Act of Parliament, expire in twelve months.

MR. HADFIELD said, the question was too important to be decided during the five minutes that yet remained of the sitting; he should, therefore, move that the Chairman report progress.

House resumed; Committee report progress.

CHURCH-RATES ABOLITION (No. 2) BILL —ADJOURNED DEBATE.

Order for resuming adjourned debate [11th July], read.

SIR WILLIAM CLAY said, he should now move that the order for going into Committee on the Bill be discharged. Believing that it would not be in his power to carry the Bill, even in that House, through its various stages during the Session, he thought he was acting more respectfully to the House by taking it at once off the paper than by attempting to carry it further. He did not mean to say a word on the merits of the Bill ; but he might state that it was brought in by him on the 29th of March, and read a second time on the 16th of May. After the second reading he had hoped to receive the assistance of the Government in its further progress, the rather that the usual supporters of the Government were almost entirely—indeed he might say all—favourable to the Bill. However, the noble Lord at the head of the Government gave him no assistance, and the House knew the almost insuperable difficulties that a private Member had to encounter in promoting a measure of that kind. He did not think it right that those difficulties should be enhanced by Gentlemen availing themselves of the forms of the House. It was not for him to dictate to Gentlemen the course they ought to pursue, but he might observe that the present was not a measure that could fairly be trifled with. The necessity for a change in the law was felt on all hands. It was a question that must be grappled with, and he entreated hon. Gentlemen to consider whether it would not be better to meet the subject with argument rather than delay. For himself, if alive, he would most certainly again bring forward the measure at an early period of next Session.

Order *discharged.*

And it being Six of the clock, Mr. SPEAKER adjourned the House till To-morrow without putting the Question.

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HOUSE OF LORDS,

Thursday, July 26, 1855.

MINUTES.] PUBLIC BILLS.—3ª Merchant Shipping Act Amendment; Lunatic Asylums (Ireland).

SALE OF SPIRITS (IRELAND) BILL.

House in Committee according to Order.

LORD MONTEAGLE said, that the present measure was, in fact, a second attempt to alter the entire character of the constabulary force of Ireland by employing it for purposes for which it was not originally intended. It is even more indefensible than the measure he had opposed last year, though that Bill was most injurious to the character of the constabulary. The real duty of that noble force was the preservation of the public peace and the enforcement of the ordinary law of the land. For about thirty years the Irish constabulary had been by law excluded from revenue functions. Last year, however, a Bill had been unfortunately passed, authorising the employment of the constabulary force for the protection of the revenue. They were by that Bill permitted for the first time to be employed in following up the smugglers and seizing illicit spirits; but, after the seizure, the constabulary were required to give up the seized spirits to the Excise, which department was then charged with all the proceedings of the prosecution. The present Bill, however, went further than this, for it handed over all the duties of the judicial in respect to these seized spirits to the constabulary force. It gave to the Inspector General of the constabulary force—a Major General—the same powers and privileges with respect to mitigating penalties, and ordering offenders to be discharged from prison as were now possessed by the Commissioners of Excise in their judicial capacity. The Excise laws constituted a peculiar, and not very simple, or intelligible code. Its administration was now proposed to be transferred to an executive department. Moreover, devoid of legal information or experience, if any county in Ireland was disturbed and required more than its ordinary portion of constabulary, it was obliged to pay extra for the additional number. Now, if under the present Bill, the constabulary were employed in other duties than those properly belonging to them, additional men must, of course, be engaged. The counties of Ireland were in a perfect state of tranquillity, as was proved by the almost entire withdrawal of the military from Ireland ; and it was, therefore, a gross act of injustice and impolicy first to apply the constabulary force to purposes for which they were not fit, and thus to cast an increased charge upon these counties. He objected principally to the judicial power given to the chief of the constabulary under this Bill, a power of dealing with offences, remitting penalties and the like, which he thought were likely to be better exercised by some persons connected with the law than by a military man, however gallant an officer he might be.

LORD STANLEY OF ALDERLEY said, the principle of employing the constabulary for revenue purposes had been affirmed by the Bill of last year, and was founded upon the Report of a Select Committee which had sat on the subject the year before. The present Bill merely empowered the constabulary, instead of conveying seizures to revenue stations, to take cases before magistrates, and have them speedily disposed of, and this had been done to avert the inconvenience and expense to the State in the case of small seizures. The inspector general of constabulary in Dublin was merely to have the power of determining in these constabulary cases whether proceedings should be continued, and his jurisdiction was confined to those cases alone. Surely the officers of constabulary were as qualified to exercise these functions as commissioners of Excise. With regard to the objection of the noble Lord that the party to whom these duties were committed, should be a man of legal training, he did not think a lawyer could more efficiently discharge them than the gentleman at the head of the constabulary.

The Earl of DERBY said, he had last year concurred with the noble Lord (Lord Monteagle) as to the inexpediency of confounding the functions of the Excise with those of police. Now, the present Bill displayed strongly the inconveniences of such a departure from sound principle. The less the police were employed in revenue cases the better, though in certain cases they might be called in to aid the revenue officers. Under the Act of last Session the police were substituted for the revenue officers in making seizures; this Bill went further, and empowered the police to prosecute revenue charges. That was an utter departure from the legitimate functions of the police. It would be necessary to proceed before magistrates, and the police were quite competent to be witnesses. The measure, however, did not stop there. It gave to the chief of the constabulary, utterly unacquainted with the revenue laws, the administration of those laws, with large powers of a discretionary character. Thus the police were being more and more diverted from their original and proper duties. There was no body more thoroughly and admirably organised than the Irish constabulary; but if they were not confined to the protection of the peace, but were distracted with numerous other functions for which they were useful, the character of the force would be wholly altered and fatally depreciated. The objections to the measure had been utterly unanswered by the Government, and the time would come when they would seriously regret that they had taken a course which he (the Earl of Derby) believed had not the sanction of the Irish Administration.

Earl GRANVILLE said, the principle of the measure had been settled last Session, and he should not discuss it, especially as no inconvenience had at present been experienced from it; at the same time if any Amendments could be suggested, the Government would gladly consider them, and with that view he would postpone the third reading till next week.

Lord MONTEAGLE said, he should avail himself of that offer, and would submit his Amendments to the law officer for Ireland, the Solicitor General. He could not doubt that on reflection it would be adopted. But his noble Friends in the Government had been quite in error in representing that the measure had been approved of by the Committee last Session. On the contrary, the Report which he had himself drawn up, contained no such recommendation. The Committee had prudently abstained from so rash and unwise a course.

Lord STANLEY of ALDERLEY said, the Bill should be postponed till Monday. Meantime, perhaps, some other officers than the inspectors of police might be substituted.

Bill *reported* without Amendment: and to be read 3ª, on Monday next.

House adjourned till to-morrow.

HOUSE OF COMMONS,

Thursday, July 26, 1855.

Minutes.] Public Bills.—1° Dwellings for Labouring Classes; Burials.
2° Turkish Loan.
3° Public Houses (Ireland); Turnpike Acts Continuance (Ireland); Joint Stock Banks (Scotland); Island of Tobago Loans.

LIMITED LIABILITY BILL.

Order for Committee read.

Motion made, and Question proposed,—"That Mr. Speaker do now leave the chair."

Mr. MUNTZ said, he rose to move, as an Amendment, that the House should, on that day three months, resolve itself into Committee on the Bill. It was one of the most objectionable Bills he had ever seen, and he had only been prevented by absence from offering it all possible opposition at an earlier period. The more he spoke to commercial men on the subject of the Bill, the greater did he find to be the objections entertained against it. Who were the parties that called for the measure? There were very few petitions in favour of it. And from whom did the Bill emanate? From the members of the Board of Trade, who were not at all conversant with trade. There was not a man who was practically concerned in any large commercial undertaking, who was not convinced that the measure, if passed, would not only be most useless, but most mischievous. Besides, the very object of the Bill—that of affording additional facilities for obtaining capital to be employed in trade—was a necessity that did not exist; for there was an ample supply of capital for all legitimate purposes of trade. The repeal of the usury laws removed every obstacle in the way of obtaining money to be embarked in any business that deserved to be encouraged. The only effect of the Bill would be to induce ignorant persons to enter into the most delusive and disastrous undertakings. Twenty years ago, when the Political Unions took upon themselves the command of almost everything, Trades' Unions were originated, having for their object to fix the rate of wages. He told the people at that time that such a scheme could not work favourably for them, because the rate of wages regulated prices, and if the prices of British manufacture were higher than those of foreign manufacture, the British manufacturer would not be able to compete with the foreigner, his profits would be destroyed, and his factory closed. The working classes soon found out their mistake, and confessed that what he had told them was true. But how would the measure now before the House work? Men having small capital would invest it in undertakings of the nuture of which they would be totally ignorant, and would have to intrust the sole management of their property to a body of directors, who, instead of being the servants, would be the masters of the Company. Could any man state an instance where a Company had ever succeeded against an individual in his own trade, unless it required an amount of capital which it was impossible for any individual to command? He knew of no such instance. No Company could command that decision of purpose, that untiring exertion, and that concentrated power which an individual, whose sole interest was at stake, could always display. In fact, no Company could exist in competition against an energetic tradesman who understood his business, and who was industrious, honest, and persevering. If the principle of the Bill was a sound one, it should be carried out and applied to Joint-stock Banks and Assurance Companies. The limit proposed by the Government showed that they had no confidence in their own measure. Why should not the shares be 1*l.* instead of 25*l*? He had been charged with being an interested capitalist, and therefore prejudiced on this subject. He could assure the House he had not one atom of interest adverse to the measure. No Company in the world could work against him in his business. He objected to the Bill, because it was not founded on a sound principle, and because he believed that, instead of serving the working man and persons of small capital, it would mislead them, and would deceive society itself. The speech of the right hon. Gentleman, the Vice-President of the Board of Trade, on introducing the Bill to the House, had been published in the shape of a pamphlet, and a more theoretical speech he had never read. It was first stated that one leading objection entertained against the present law was, that it was practically opposed to the interests of a large class of small capitalists, who, if allowed to combine to the extent of their limited capital, might be capable of prosecuting many branches of trade, not only with advantage to themselves, but also to the public. Now that was all assumption. Upon what ground did the right hon. Gentleman affirm that those undertakings might be prosecuted with advantage? If there were parties ready to embark in any fair and honest undertaking, there was always plenty of capital to be borrowed at a reasonable rate. The right hon. Gentleman then referred to the case of inventors, with regard to whom he (Mr. Muntz) could not avoid remarking, that all the great inventors of that country—such as Arkwright and Watt—had thriven under the present law. There was only one exception, that of Harvey, who was a poor man, and who made an improvement in the manufacture of sugar. But what had been the change of the patent laws within the last few years? Formerly no man could obtain a patent under 500*l.* or 600*l.*; but now he could get one for 25*l.* or 30*l.*

But inventors were not the most adventurous of men. Take the instance of Watt. No doubt he was a very able and clever man, but if it had not been for the strength of mind, the boldness, and the energy of Bolton, Watt would never have been anything. Seven years after he had joined Bolton so nervous was he, and so fearful as to the result of his inventions, that he proposed that Bolton should pay him an annuity and take the risk upon himself; but Bolton, like an honest man, said he would not do anything of the kind, and the consequence was, that by his energy, boldness, and vigour, Bolton was the making of Mr. Watt. Now, if a law of limited liability had existed, Watt would have come under the control of a few ignorant donkeys, who knew nothing about his works, and the end of it would have been, that all the inventions of that great man would have come to nothing. He believed that the foundation of the Bill was to induce hon. Gentlemen, who were possessed of large capital, instead of being content to receive 3 per cent. from the funds, or 4 per cent. from land, to embark that capital in speculations promising 5, 10, and 15 per cent. But let not hon. Gentlemen be deceived. Those rates were far beyond the average profits in trades which required great skill, industry, knowledge, and care. With regard to railways and canals, in which so many millions were embarked, he was of opinion that the Legislature ought to have a voice as to whether such concerns should be entered into or not. How many millions had been lost in such undertakings for the want of knowledge and proper management? But what would have been the result if all the railway Companies had been formed on the principle of limited liability? They could not have maintained themselves, and all the subscribers would have been ruined; and such he believed would be the case of all the Companies which would be formed under the provisions of the Bill now under consideration. The directors would manage the Company, and not the Company the directors. There would be a source of ruinous litigation. All the mischief, loss, and vexation that had attended the railway Companies had emanated from the fact of the directors being the masters of the Companies, instead of the Companies being the masters of the directors. But, after all, it had not been shown that the interests of the country required such a change in the law. There had been no complaint of a want of capital. It was said, to be sure, that the lawyers were in favour of the measure. No doubt they were, for it would open a wide field for litigation. It was one of the provisions of the Bill, that no man should be liable beyond the amount for which he was registered, unless it was shown that he had taken a part in the management of the concern. The first thing, then, to be done, would be to ascertain whether any man had interfered in any way which would make him liable beyond his subscription, and that was a point which would lead to litigation without end. After due consideration, therefore, and without having the slightest interest in the matter, except a wish to promote the general good, he felt it his duty to move that the Bill be committed that day three months.

Mr. GLYN said, he would second the Amendment, although he did not participate in the general views which the hon. Gentleman (Mr. Muntz) had expressed. He, however, was of opinion that the present law regulating the granting of charters was one which could not be maintained, and that it was necessary some measure should be passed on that subject. The Bill ought to be referred to a Select Committee, with a view to ascertain how it bore on the law of bankruptcy here. Those who advocated limited liability were in the habit of appealing to the state of the law in France. But the law of limited liability in that country was introduced under very peculiar circumstances. The prejudices against trade in France on the part of the upper classes were such that they would not embark their capital in trade, which it was desirable they should do, if they were made ostensible partners in any commercial concerns. But there was no such necessity existing in England. It was the opinion of eminent men in France that, although the law of limited liability had to a certain degree succeeded there, it would be inapplicable to England until the law of bankruptcy was made much more stringent, and was assimilated to the law of bankruptcy in France. To that point he had more than once called the attention of the House, but no one had attempted to meet that part of the case. The question with commercial men was, how they were to deal with the question of limited liability in the present state of the law relating to bankruptcy. There was not a single clause in the Bill which met that difficulty. He did not so much object to the principle of the Bill, as to its machinery, and on the whole he thought it would be much better to postpone its further consideration till next Session.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. E. BALL said, the course taken by the hon. Gentleman the Member for Birmingham (Mr. Muntz) and the observations made by him very much resembled the conduct of certain saints!—["What?"] saints!—who, when they had given a glowing description of the joys of heaven to which they had obtained access, unkindly refused to bridge over the way by which their fellow-creatures might obtain access to the same blissful abode. That hon. Gentleman, having by industry and talent amassed great wealth in the field of individual competition, refused to others the advantages of a measure, the provisions of which he himself could do so well without. The hon. Gentleman had said, that out of the House he had met with none who were in its favour. That must have arisen from the fact, that so well known was the pertinacity of the hon. Gentleman to his own preconceived opinions, that to argue the matter with him would have been perfectly useless. But how were they to ascertain what was the opinion on the subject out of doors, but by the opinion expressed by their representatives within that House; and was it not a fact that on every division on the question there had been a majority of almost two to one in favour of the Bill? All great works had been accomplished by the combination of mind, ability, and property, which no individual energy could have achieved. The supply of water for the metropolis by the New River Company originated from the energetic mind of an individual, but Sir Hugh Myddelton was not able to sustain his project unaided; no sooner, however, was the scheme taken up by a Company than it became a source of wealth to those who embarked in it, and resulted in being one of the greatest blessings that a commercial speculation had ever conferred upon the country. He might also refer to the great mercantile establishments of the metropolis in further illustration of the truth of his proposition — such as the breweries, the joint-stock banks, the mutual assurance societies, and especially the railways. Would the hon. Gentleman say that the railway had accomplished no national good? It really seemed to him that the hon. Gentleman's prejudices were so strong that all the experience of our social system had been lost upon him. Individuals having small capital could effect nothing of themselves, but by a combination of those small sums a large capital might be created, and great public service be rendered. If there ever was a time when such combinations ought to be encouraged, it was now. There was a great drain upon the national resources, and the hon. Gentleman, who was conversant with politics, must know that the only immediate benefit which resulted to any country from the state of war was, that while war itself was a source of immeasurable suffering, and of enormous expense, yet the impulse which it gave to the energy of the people, and the power which it infused into the mind of the nation were so great, that the money expended and the losses sustained were more than compensated for by the increased energy and greater diligence displayed by the people in drawing forth the resources of the nation.

Mr. W. BROWN said, he was of opinion that his hon. Friend who had just sat down had been reasoning on the subject upon false premises. He seemed to think that those who were opposed to the Bill were unfavourable to all combinations for the purposes of trade. That was a complete fallacy. He might say, from his own experience in transactions which he had had with France and the United States that, whenever he had come in contact with parties who were established under the principle of limited liability, it had always injured the credit of those parties in his estimation. He was reluctant to part with the advantage the country now possessed, unless he could be assured of some countervailing advantages to be obtained from a new law.

Mr. STRUTT said, the subject now under consideration was one on which his own opinion was opposed to that of a majority of the House; at the same time, as he entertained a strong apprehension as to the results that might arise from passing the measure, he hoped the House would bear with him while he stated the grounds for that apprehension. He did not deny the necessity of some legislation on the subject. If a Bill were introduced for the purpose of defining those schemes which should be considered as involving the necessity of raising a large amount of capital which it was not within the means of an individual to raise, or if it had been proposed to adopt the principle in the case of certain benevolent schemes in which an individual might not wish to embark, or for establishing some tribunal for granting a charter for such measures, he would not have opposed it. But the question they had to consider was, whether or not they should introduce this system of limited liability into the ordinary trades and ordinary transactions of the country. The hon. Member for Cambridgeshire (Mr. E. Ball) had asked whether it was intended to put an end to the system by which breweries, banks, and other establishments of that kind had been carried on; but did not the hon. Gentleman perceive that every one of those establishments had hitherto been carried on upon the principle of unlimited liability? And the question now was, whether those establishments shall be continued as at present, or whether they would sanction such establishments and ordinary trades to be conducted on the principle of limited liability. In the first place, he would ask—the question had, however, been asked before—was there any great want of capital in the country which made a change of the law necessary? He could understand the case of a poor country where an exception might be made and sanction given to a departure from a sound principle for the purpose of raising capital. But he was not aware of there being any complaint of a want of capital here; on the contrary, the complaint was the other way. There was an immense amount of capital; trade was overflowed with it. One great evil of which the commercial world had to complain was, that at certain periodical intervals traders, by imprudent speculations, brought on a crisis; and his great fear was whether, if the House passed such a measure as the one now before them, on the recurrence of such a crisis evils of a much greater magnitude than had hitherto taken place might not result. What, in fact, was the measure they were then considering? It was a Bill to enable persons to embark in trade with a limited chance of loss, but with an unlimited chance of gain. That was a direct encouragement to a system of vicious and improvident speculation. Suppose a person with a capital embarked in two different speculations, in both of which he formed a partnership on the principle of limited liability, he being the principal manager, and the person finding the greater part of the capital in those undertakings; suppose he should enter upon a system of rash and improvident speculation, and that in one case he succeeded and realised a large fortune, while in the other case he failed and paid his creditors *2s. 6d.* in the pound. Was that a state of things desirable to be established, or one on which the mercantile credit of the country should be based? Was it desirable that a person should be able by one operation to amass a considerable fortune, and, at the same time, by another operation to pay his creditors a small dividend in the pound? He was aware it might be said that it would be imprudent to trust such a person. No doubt, if all the world were prudent, wise, and sagacious, no such things would happen. But legislation was not to control the conduct of the most wise and of the most virtuous; it was intended to check the erring, and to deal with human nature as they knew it to exist. And when they also knew that a system of wild speculation had at times arisen, it afforded a strong reason why they should not give further encouragement to such a system. Supposing a number of instances of such things as he had described to happen, would it be any satisfaction to those who had been thrown into a state of distress by such conduct for them to be told that, although you had passed the law, the fault was their own, and upon them must fall the risk? He believed that, under such circumstances, a universal feeling of indignation would be excited throughout the country, and that if Parliament passed such a Bill they would be compelled to repeal it by a much more powerful clamour than any that had been raised in its favour. Another argument urged in favour of the measure was, that the present system was an interference with free trade. He disputed that proposition, because the first and most natural principle of commercial legislation was, that every man was bound to pay the debts he had contracted, so long as he was able to do so; therefore, the onus of showing that men might be exempt from paying their debts rested upon those who argued in opposition to the principle he had laid down. Besides, it had been considered a violation of the principle of free trade to impose such restrictions in the terms of contracts, as experience had proved to be necessary. A banker was allowed by the issue of his notes to contract a liability for *5l.*, but he was not allowed to contract a liability for a sum so small as *5s.* And why? For the following reason:—That it would introduce a system of speculation most injurious to the community. Upon exactly the same principle, then, as the Legislature acted in regard to the one case ought they to act in regard to the other. It might be said that no one would be able to introduce a system of limited liability in ordinary traders, because such parties would not obtain credit in the commercial world. He was afraid that in coming to that conclusion they would be over-estimating the prudence of the country. He remembered, twenty-five years ago, Companies starting up of the most extraordinary and extravagant character—Companies for the sale of fish, for the washing of clothes, and for almost every conceivable purpose. What was the result? They all failed, and brought ruin upon themselves and every person connected with them. He trusted that that had worked a wholesome lesson on the minds of the people; but if a Bill of the nature of the one before them was to pass, encouraging such speculations—if such a system which had been carried on under unlimited liability was allowed to be carried on under a law of limited liability—they would have the same evils, in an aggravated form, renewed, and the same painful experience to be encountered, until the Legislature would find it absolutely necessary to impose a legitimate check upon them. It had been said that the measure was desirable in order to give the working classes an opportunity of profitably investing their savings; but there were only two practicable modes in which the working man could invest his savings—either in some secure investment from which he would receive the ordinary rate of interest, or in some trade which he would be able to carry on under his own immediate superintendence. All experience showed that if they encouraged the working man to invest his money under a system of limited liability in the hands of a Company for carrying on any ordinary trade, it would only bring ruin upon him, and cause to him the very mischief from which they would wish to protect him. He entirely agreed with the hon. Member for Birmingham (Mr. Muntz) that it was perfectly absurd to suppose that ordinary trades could be carried on by Companies as well and as prosperously as by individuals. It had been assumed that all those who were opposed to the Bill were influenced by some motives of jealousy, and that, having become rich themselves, they wished to prevent others from becoming rich also, and an attack had been made upon Lord Overstone as having been influenced by these sordid motives in expressing an opinion opposed to this measure. Everybody knew that there was no person in the United Kingdom whose opinion was more deserving of weight than that of Lord Overstone. There was no man whose personal opinion had had greater weight in commercial matters than that noble Lord's; and yet, according to the argument of the hon. Gentleman opposite, because Lord Overstone was a rich man his opinion upon the subject was of no value whatever. The logic of the hon. Gentleman was that, Lord Overstone was rich, the working men were poor, therefore the noble Lord was prejudiced and influenced by feelings of jealousy. He (Mr. Strutt) really did not think that an argument such as that was worthy of an answer. There was only one other point to which he wished to allude. If the Bill was intended to be passed, it ought not to go forth to the poorer classes that they were passing a Bill which was to open to them an unlimited field for speculation, by which they were to reap vast gains. It was in reference to that point that he wished to enter his protest against the language which had been used in that House.

Mr. JOHN MACGREGOR said, that all experience showed the contrary of the assertions of the right hon. Gentleman who had just sat down. In the Hanse Towns the principle of limited liability had worked with great success. It was the principle of limited liability which had rendered the United States of America one of the most powerful States in the world. What man with a fortune of 140,000*l.* for instance, would risk the whole of it in one ship? Would he not rather divide his fortune into portions, and invest it in different ships, 10,000*l.* in one, 12,000*l*, in another, and so on? The principle had not only produced the best effects in America, and especially upon her naval power, but it had also most materially contributed to the commercial and material prosperity of France. So also in Belgium and Holland. The Low Countries would never have reached their present position without the advantage of limited liability in their commercial transactions. He could prove by the history of every country in the world that the right hon. Gentleman was wholly wrong in his views, and if the country had acquired prosperity under different circumstances it was owing to her geographical position. But it did not appear that she would not have been more prosperous under a system of limited liability. He had no hesitation in saying, though Lord Overstone might be a very honest man, that he was the most prejudiced man in the country on the subject now under consideration. It did happen very curiously that the owners of large concerns and large capitalists were the principal opponents of the Bill in that House. He believed they acted quite honestly, but they were accustomed to look at their own particular cases, and hence their minds ran in a certain groove, out of which it was very difficult to get. If they rejected the Bill it assuredly would create an impression abroad that the rich were not willing to let others become rich also.

Mr. VINCENT SCULLY said that he thought many advantages might be obtained by the Bill before them, as also by the Partnership Bill, but they should be carried out in a right form. He did not think it would be possible to give them full consideration between this and the end of the present Session. It would be better therefore to postpone the Bills, and allow opinions to be matured on them before the next Session. He therefore thought it a waste of time to discuss a question which every one knew could not become law in the present Session. These Bills had twenty-six clauses, and he found that there were twenty-eight new clauses besides seventy Amendments to be proposed. He put it to the House whether it was possible, at the present period of the Session, to consider all the matter contained in those clauses and Amendments as they ought to be considered?

Viscount PALMERSTON: Sir, I really do entreat the House not to waste time in discussing whether we should or should not discuss these Bills, but to go at once into Committee and discuss them there, where those who entertain objections to the Bills may state the grounds of their objection, and those who are in favour of them may state the grounds on which they support them. My own opinion is—and no one denies—that these Bills are of the utmost interest and importance. I confess I am quite surprised that Gentlemen who have been the strenuous and successful advocates of the principles of free trade should now turn round and try to defeat these Bills, which are based upon those very principles. I will say in a few words that I consider that this contest lies between the few and the many. It is just one of those instances in which, I won't say the prejudices, but in which the opinions of the few are to be set against the interests of the great bulk of the community. There is nothing, I am persuaded, that would tend more to the general advantage of the public than the setting free, as these Bills propose to do, small capitals, that they may be turned to profitable employment. The present law prevents that being done. There is, consequently, a great quantity of small capital locked up, which, if these Bills were passed, might be employed for the benefit of those who possess them, and also for the advantage of the community at large. It is a question of free trade against monopoly. [*Cries of* "No, no!"] I don't say it offensively, but that is the real fact. You may disguise it as you will, but it is a principle well understood by every man in the country, I can assure you; and I tell the House that I feel so strongly on this question that I will urge the House to go on day by day, and morning after morning, with these Bills, and if it is attempted to talk the Bills out, and to consume time by long speeches, the country shall at least see with whom the fault rests, and who it is that would deprive the nation of that advantage which I contend these Bills would afford, if passed. Of course, at this time of the Session, if Gentlemen are determined to waste time by long speeches, and prevent business from being done, the consequence may be that we shall have to sit, perhaps, into the month of September. I can assure the House that no exertion and no determination shall be wanting on the part of the Government to give the public the benefit of this change in the law during the present Session.

Mr. SPOONER said, if he thought that the measure would set free small capital safely he would give it his cordial support, but believing the contrary to be the fact he should oppose it. He was convinced that the Bill would act as a snare and delusion to entrap persons into improvident and dishonest speculations, and that the most disastrous results would be the consequence. He deprecated the practice of those in support of the Bill imputing improper motives to their opponents. He denied that those with whom he was associated in opposition to those Bills were influenced by any but the most honourable and disinterested intentions. He was not opposed to the principle of limited liability, but he was opposed to the mode in which it was to be carried out by those Bills.

Mr. BASS said, he did not agree that

the Bill was intended merely for the benefit of the very poor, but considered it to be designed to give employment to portions of large amounts of capital which might be advantageously invested if allowed to be advanced on the principle of limited liability.

Mr. MITCHELL said, the speech of the noble Lord at the head of the Government would not prevent him from stating his objections to the Bill. He was not opposed to the principle of limited liability properly understood and carried out. But it was a waste of time to entertain the consideration of a measure which he felt persuaded could not pass during the present Session. No one supposed that the Bill would pass through the House of Lords, sent down to them, as it would be, so late in the Session. The observations of the noble Lord were the most improper and uncalled for that he had ever known to fall from a Minister of the Crown. The noble Lord could not say of the commercial class in that House that they ever threw any impediments in the way of legislation. It was the Government of the noble Lord himself that threw the real impediments in the way of the measure now before the House; for, instead of bringing it under discussion at an early period of the Session, as the noble Lord might have done, he wasted the time of the House upon the Scotch Education Bill, which he did not make an attempt to defend in the other House of Parliament, and upon the Tenants' Improvements Compensation Bill, which the noble Lord knew very well could never pass that House. It was not till the 26th of July that he called upon them to enter upon the consideration of the details of the measure, about which there existed the greatest difference of opinion; and then the noble Lord lectured them, and said that unless they allowed their opinions to be "burked" he would sit till September, and he tried to intimidate them by a threat of sitting from day to day, and morning to morning. Let there be a Committee to inquire into the present bankruptcy law, and let a proper measure of limited liability be then brought in, and he would not oppose it. He denied that the present was a free trade measure, because it was a piece of exceptional legislation, and the working man, for whose benefit it was professed to be brought forward, would find it a delusion and a snare.

Mr. LLOYD DAVIES said, he should support the Bill, which he considered the House would be justified in passing from the results which had already flowed from combination in trade. Not only would the poor man be benefited, but the rich also would be enabled to turn to use many small amounts of capital which, under the present system, stood idle.

Mr. JOHN FOSTER said, he was entirely in favour of the principle of the Bill, which he would support.

Mr. MALINS said, he would certainly record his vote in favour of the Bill, which he considered of the utmost importance to the country. The only argument which he had heard against the Bill was that it would be useless. If that were so, let it be passed, and then no harm could result from it, as it would remain a dead letter. He could only say that the whole country was watching with the greatest anxiety for the measure to become law.

Mr. HENLEY said, that the noble Lord at the head of the Government had denounced the opponents of the Bill as being opponents of free trade. Had the noble Lord read the Bill? Did he know that there was a clause in the Bill limiting its effect to Companies whose capital was 20,000*l.*, and knowing that, did the noble Lord limit free trade to 20,000*l.*? Really, the argument could hardly have been expected from any one in the noble Lord's place except the noble Lord himself. It was a matter of complaint that the position of the Limited Liability Bill and the Partnership Amendment Bill had been shifted in order to give to the former of those measures the first place. He could not but think, notwithstanding the explosion of the noble Lord, that the shifting was made in order to get rid of the Bills. He might be wrong, but such was his impression; and, believing that the Bill could not be properly considered in the present Session, he should vote with the hon. Member for Birmingham (Mr. Muntz).

Mr. LAING said, that his intercourse with practical men out of doors convinced him that there was a very strong feeling among such persons that there was a necessity for an amendment in the principle of the English law, which so positively excluded the principle of limited liability in the case of Joint-stock Companies. He thought the Bill proposed would meet all the difficulties which had hitherto been experienced, and would prove of the greatest benefit to the country. What railway had ever been constructed by any private parties? It was, therefore, to the principle of limited liability that they were indebted for their means of conveyance. But when the capital of a Company was not large, the enormous amount of Parliamentary expenses was often enough to prevent its commencing operations, and the delay involved in getting a charter was even a greater obstacle than its cost. In France, where the principle of limited liability was recognised in all cases, the Railway Companies' capital had more than doubled, and the dividend paid by such Companies was, on an average, more than 10 per cent. The same was the case in Belgium, and he felt sure that if there was not soon made a most material change in our law, Paris, and not London, would soon become the great centre of European industrial enterprise.

Mr. ARCHIBALD HASTIE said, he was one of those who were opposed to the Bill, although not at all opposed to the principle of limited liability, as applied to railways, docks, canals, and other undertakings which required a large amount of capital. Such works were of great national importance, but he could see no reason for applying the same principle to Companies who possessed but 20,000*l.* It was stated that America had prospered under the law, but there capital was extremely scarce, and barely sufficed to carry on their great schemes; but in England, where there was no want of capital, they could not anticipate the same results from the application of the principle of limited liability as had been the case in America. The principle of limited liability had produced injurious effects to commercial credit both in America and in France by inducing reckless speculation and systematic frauds upon creditors. Being perfectly convinced that the measure before the House would produce unmitigated evil, he must beg the noble Lord at the head of the Government to withdraw them for the present Session, and introduce them after the recess. He would also recommend the noble Lord, then, to adopt the plan of sending them up stairs to a Committee.

Mr. F. W. RUSSELL said, he would also urge the postponement of the measure. No Member of that House was opposed to the principle of limited liability for railways and other great Companies; but only to that principle, as applied to small private undertakings. Railway Companies did not come to Parliament merely to get limited liability, but to get power over land, &c., and they would have to come to Parliament even although that principle were universally recognised.

Mr. BOUVERIE said, he only wished to give a reason why they ought to go on with the Bill, even at that period of the Session. He believed it was most desirable that the Board of Trade should no longer be entrusted with the duty of granting charters of limited liability. It therefore was a matter of great urgency that Parliament should deal with the question during the present Session. In consequence of the Resolution to which the House came last Session, the Board of Trade had very properly determined not to grant any charter of limited liability until the decision of Parliament on the general subject was known. In fact, the safety-valve of our present Joint-stock system had been screwed down, and was the Board of Trade to act on the Resolution of the House and the general sense of the country, or was it to open the floodgates of private speculation, and grant charters to everybody who came without restriction, or was it to act in every case according to the mere dictates of its absolute unfettered discretion? On the part of the Board of Trade, he protested against having such an odious power entrusted to, or imposed upon any Government Department. No person at the Board of Trade, however experienced or able, should be called upon to decide whether a particular Company should be allowed to carry on business with limited or with unlimited liability. In all such cases the decision ought to depend upon some fixed and intelligible rule laid down by Parliament, by which charters should be granted to *ex debito justitiæ*, and not at the discretion of a Government Board. He considered the question of charters was one of great urgency, with which Parliament ought to deal during the present Session, he therefore trusted hon. Members would support him in going into Committee.

Mr. CARDWELL said, he entirely agreed that nothing could be more objectionable than that the Board of Trade should be entrusted with an arbitrary power, which the wisest of men ought not to exercise, and which that Board possessed no machinery for exercising properly and effectively. He, therefore, had regarded it as a matter of extreme urgency and importance that a satisfactory Bill should be introduced and passed during the present Session of Parliament, and he had, therefore, introduced such a Bill at a very early period of the Session. It was a most essential part of the matter that the whole law of Joint-stock Companies should be consolidated and reformed, but that part of the measure appeared to have fallen through, and there now only remained two measures of a character extremely imperfect and unsatisfactory. With regard to the two measures which had been brought forward, he considered them unsatisfactory and imperfect, but, nevertheless, he had facilitated their passing at every stage of their progress, and should have remained silent on the present occasion; but when his noble Friend (Viscount Palmerston) said that these were important measures, and that the House would incur great responsibility if they did not carry them through that Session, he (Mr. Cardwell) might be permitted to ask if it was a question of such cardinal magnitude and importance, why were the Bills only introduced, without a speech, the night before the Whitsuntide recess? And why, since the Whitsuntide holidays, had not a single evening been afforded to the House for the purpose of investigating the subject? He wanted to know why they had been occupied so long by the Scotch Education Bill, which was thrown aside in the other House? And why had they been occupied so long with the Tenants' Compensation Bill, which was dropped as soon as they had got through the controverted points of that measure? He also wished to know, if it really was a measure of such great importance, why they were not asked to go into Committee upon it until the day after the other House would not read a Bill a second time? He was most sincere in his desire that a satisfactory measure on the subject of limited liability should be passed, and he thought that, if they failed in passing the measure, the responsibility would rest with Her Majesty's Government. Looking at the late period of the Session, and at the composition of the present Bill, he reluctantly felt it his duty to vote for the Amendment of the hon. Member for Birmingham.

Mr. DILLWYN said, he must deny that the Bills had anything to do with the question of free trade. On the contrary, the principle involved in them was entirely antagonistic to free trade. As there was no chance of their passing at that late period of the Session, he trusted they would be postponed for the present.

Question put, "That the words proposed to be left out stand part of the question."

The House *divided*:—Ayes 121; Noes 40: Majority 81.

Main Question put, and *agreed to.*

House in Committee.

Clause 1.

Mr. CAIRNS said, that he had several Amendments to propose, but he thought that he should best suit the convenience of the Committee by moving that the Chairman should report progress. Before doing so he was anxious to make a few observations in consequence of what had been said by the noble Lord (Viscount Palmerston) early in the debate. He (Mr. Cairns) had come down to the House in the expectation that they would have gone into Committee at twelve o'clock; they would then have been enabled to dispose of most of the questions which would have arisen on the present Bill, but the time of the House had been occupied in a most unprofitable discussion; and he appealed to the Committee as to whether a great deal of that discussion had not been raised by the noble Lord himself? He had said that the question was of vital importance; that the country was anxious that the present Bill should pass into law; that delay was greatly to be deprecated, and that those who caused delay would have a great deal to answer for in the eyes of the country. He (Mr. Cairns) agreed with those assertions, but he wanted to know how long such opinions had been embraced by the noble Lord? A discussion took place last year on the subject of limited liability, when a great number of Members expressed their opinions on the subject, but not one Member of the Government then got up and said that it was a question of vital importance and ought to be passed into law. When the noble Lord took his place at the head of the Government, what was the course which was taken with reference to what had been termed by the noble Lord an all-pressing and vital question? The right hon. Gentleman the President of the Board of Trade said that it was his intention to bring forward a Bill on the subject, and gave a notice to that effect; but that notice remained on the paper month after month, without any Motion being made, and it was not until the night before the Whitsuntide recess that the Bills were laid on the table, without a discussion, for the purpose of being printed. It was not until they had reassembled for several weeks that any discussion took place on the Bills, and, even after the second reading was passed, the noble Lord did not proceed with the question that he had termed vital and important, but occupied the House, night after night, with the Scotch Education and Tenants' Compensation Bills; and, finally, on the 26th of July, a date when the House of Lords would not read a Bill a second time, they got a chance of going into Committee, when a long discussion arose, which the noble Lord's speech was most calculated to prolong. He wished the matter to stand clearly before the country. The Government had not been sincere with regard to the measure. They perceived that the Bill was popular out of doors, and, wishing to take advantage of that feeling, had made concessions to the popular desire, but had not afforded an opportunity for discussion. He believed that, had the present measure been discussed, it would have been carried by an overwhelming majority; but the Government had prevented discussion, and the responsibility would rest only with the Government if the measure did not pass into law during the present Session.

VISCOUNT EBRINGTON said, that not to the Government, but to the practice of the House itself, and the many useless discussions which had taken place, must be attributed the delay which had taken place, and which had prevented measures from being passed.

House resumed.

Committee report progress.

THE TURKISH CONTINGENT—MAJOR GENERAL CHESNEY—QUESTION.

MR. ROEBUCK: Sir, I beg to ask the noble Lord the First Minister of the Crown the following question. Major General Chesney was appointed by the Duke of Newcaltle to organise the Turkish Contingent. He accepted that office. When Lord Panmure was appointed to his present position, Major General Chesney was informed that his services would not be required. I beg, therefore, to inquire of the noble Lord whether or not he will have any objection to allow the printing of the letter of the Duke of Newcastle to General Chesney, his acceptance of the office, and Lord Panmure's communication?

VISCOUNT PALMERSTON: Sir, the service on which Major General Chesney was to be employed was not exactly in the organisation of the Turkish Contingent, but a different service, which was not intended to be carried on; and when the organisation of the Turkish Contingent was decided upon another officer, General Vivian, was chosen for the purpose. It was only right to say that the choice was made with reference to circumstances entirely independent of anything personal between them. Her Majesty's Government appreciated most fully the merits of General Chesney, who had performed very good and important services to the country upon the mission in which he was formerly employed, and the reason why he was not selected on the second occasion for a different service is that General Vivian was considered to be the fit person to employ.

TURKISH COAL MINES—THE COMMISSARIAT—QUESTION.

MR. LAYARD said, he wished to call attention to the fact that on a previous evening the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had stated that they were paying a subsidy in disguise to Turkey in the shape of an exorbitant royalty of 10*s.* a ton for the coal obtained from the Turkish coal mines; and he (Mr. Layard) wished to ask if such were the case. He understood, also, that considerable embarrassment was experienced in the East for the want of money in the Commissariat Treasury. He understood that a large number of bills had been dishonoured, and that considerable inconvenience had been occasioned on account of the refusal to pay those bills for the want of money. He held in his hand a letter to that effect, and he desired to know if such want of money were really felt, if such a state of things was likely to continue, and if any remedy had been provided.

MR. WILSON said, that, in reference to the first question, he begged to say that papers had been laid on the table on the Motion of the hon. Member for Dumfries (Mr. W. Ewart), which contained the correspondence and negotiations with regard to the Turkish coal mines. From that correspondence it would be found that those mines were in full operation in two workings; and, therefore, his right hon. Friend (Mr. Gladstone) was mistaken in thinking that the answer which he (Mr. Wilson) had given some time ago referred to a royalty. His answer was, that 10*s.* a ton were paid to the Turkish Government for the mines, that there was a further expenditure of 15*s.* a ton, making the entire cost 25*s.* a ton when they were delivered on board of ship. That arrangement was adopted as the most favourable of several alternatives, and the French Government had since made a similar offer to Turkey. But he must point out that the 10*s.* a ton was not paid by way of royalty; a royalty was paid where the ground taken was totally unexplored; but in the present case the coal was taken out of mines already explored and in full operation, and where they had the advantage of capital already expended, and the machinery of the Turkish Government belonging to the mines. As to the second question of the hon. Gentleman, he was sorry to say that there was some truth in the observation he had made; however, the circumstances had been very much exaggerated. The truth was, that in the month of May the monthly expenditure from the Commissariat chest in coin at Constantinople was from 150,000*l.* to 200,000*l.*, but it suddenly increased to about 300,000*l.*, in consequence of the payments for the Turkish Contingent and other purposes. A sum of 100,000*l.* was despatched in the *British Queen* on the 29th of May, but her engines broke down in the Mediterranean, and she was detained three or four weeks in Malta for repairs. The non-arrival of that 100,000*l.* certainly had created great embarrassment, but two other sums of 250,000*l.* had been despatched and arrived in the interim, and accounts had been received that day from which he had reason to think that the 100,000*l.* despatched in the *British Queen* had also arrived. And, besides the 250,000*l.* despatched after the 29th of May, there was sent on the 1st of July 100,000*l.*, on the 3rd of July 100,000*l.*, and on the 8th of July 100,000*l.* So that, since the date of the letter received by his hon. Friend, there had arrived no less a sum than 400,000*l.*, which was far more than was required to meet any embarrassment that might have existed. On the 12th of July there was sent out 100,000*l.*, and 240,000*l.* had been since despatched, and shipments were still being made to meet all probable demands.

MR. GLADSTONE said, as he did not gather from the statement of his hon. Friend what it was for which we paid 10*s.* a ton to the Turkish Government, perhaps his hon. Friend would undertake to lay upon the table the papers which contained the agreement with the Turkish Government, in order that the House might see what consideration we received for that payment.

MR. ROEBUCK said, he would suggest that the papers should also contain an account of the sum which had been paid to the Turkish Government, not as royalty, but as profit.

MR. WILSON said, the information sought for was contained in a paper already upon the table.

SUPPLY.—MISCELLANEOUS ESTIMATES.

Order for Committee read.

House in Committee of Supply.

(1.) Motion made, and Question proposed—

> "That a sum not exceeding 296,921*l.*, be granted to Her Majesty, to complete the sum necessary to defray the charge for Public Education in Great Britain, to the 31st day of March, 1856, including the sum required for promoting Voluntary Assessments towards the expense of building Schools in Great Britain."

SIR GEORGE GREY said, that he would state as briefly as possible, the manner in which the educational Vote of last year had been expended, and how it was proposed to expend that for the present year. The sum required for the present year was 381,921*l.*, of which 100,000*l.*, had been already voted, in addition to which there was a supplemental estimate of 15,000*l.*, making together the sum of 396,921*l.* The sum required last year was 343,873*l.*, showing an increase of 38,048*l.*, exclusive of that 15,000*l.* He thought that some misapprehension existed respecting the difference between the estimate of last year and the present year, as he perceived that a notice of Motion had been given by an hon. Gentleman to reduce the Estimate for the present year to the amount which he conceived had been granted for the last year; but the facts were that the actual Vote of last year was 263,000*l.*, whereas the estimate was 343,873*l.*, the reason of that difference being that there was a balance of 80,000*l.*, remaining out of the Votes of preceding years, which being added to the Vote of last year made up the sum of 343,873*l.* The whole of the Vote of last year had been expended, and, therefore, it was necessary to vote the whole amount of the Estimate for the current year. The Estimate was divided into twelve heads, the principal of which he proposed to explain, showing the results of the appropriation of the Parliamentary grant of last year. The first item was for buildings, 70,000*l.*, while that of last year was only 61,000*l.* Between 1833 and the end of 1854, 4,514 schools had been erected, enlarged, or improved by the aid of the Parliamentary grant and 700,000 scholars had been provided with additional or improved school accommodation. A number of schools, approaching to one-third of the total number of public schools returned by the Registrar-General in the Census of 1851, had been erected or improved by the aid of this grant in the course of twenty one years. During the past year the number of schools so erected was 262, at a cost of 198,279*l.*, of which 60,089*l.* was provided from the Parliamentary grant, so that the amount voluntarily subscribed was 138,180*l.* By part of the Minute, dated 2nd of April, 1853, an increased rate of aid had been allowed for building schools in the rural districts and smaller towns. It was now proposed to extend the same rate to all parts of the country, and the supplementary estimate of 15,000*l.* was presented to meet the additional outlay. The second item included a grant for the purchase of books and maps of 4,000*l.*, while that of last year was 1,782*l.* 15*s.* 4*d.* Grants for that purpose were first proposed in 1847, and up to the end of 1854 the number of applications complied with were 5,240, and the total expenditure in seven years amounted to 57,281*l.*, out of which 15,000*l.* was provided from the Government grant. Several of the next items might be comprised under one general head. First came the grants for stipends of pupil teachers and gratuities to schoolmasters and mistressess instructing them, amounting to 145,000*l.* There were then the capitation grants, estimated at 12,000*l.*, by which, under another part of the Minute of the 2nd of April, 1853, schools in the rural parts of the country, and in the smaller towns, received special aid on certain conditions, in proportion to the number of scholars attending. The grants in augmentation of certificated schoolmasters and mistresses were 47,000*l.*; and the grants to assistant teachers, 4,500*l.* The number of pupil teachers, or apprentices, at the end of 1854 was 7,596, showing a progressive increase during the last four years. At the end of 1851 the number was only 5,607; in 1852, 6,180; in 1853, 6,912; and in 1854, 7,596. Each of these pupil teachers was engaged for five years, during which period, while learning his future profession, he superseded the former monitorial agency by the assistance he rendered the schoolmaster. 7,596 pupil teachers thus employed represented about 300,000 scholars under that improved system of instruction, and the testimony of inspectors and school managers was unanimous in acknowledgment of the services and good conduct of that class of persons. A return moved for by the hon. Member for North Staffordshire (Mr. Adderley) showed what number of those pupil teachers might be reasonably expected to find their way into schools, and from it there appeared that the total number of pupil teachers who had been entered as apprentices under the Minutes of 1846 up to the 31st of December, 1854, was 12,474, of whom only 694 had quitted the profession of teaching. But the education of these pupil teachers did not end there. One important item in the estimate was for grants to training schools, amounting exclusive of Kneller Hall, to about 50,000*l.* There were thirty-eight such training schools — twenty-two for schoolmasters, and sixteen for mistresses, erected at a cost of about 300,000*l.*, and maintained at an annual outlay of about 60,000*l.*, with room for 2,000, but actually containing about 1,690 scholars. Of the pupil teachers about 1,500 completed their apprenticeship annually, and they then had the opportunity of obtaining by examination exhibitions in those training schools, which they retained for two years. The present number of such exhibitioners was 929. The training schools were also open to students who, without having been Government apprentices, desired to qualify themselves to become certificated schoolmasters. Great pains had been taken, as would appear from the Reports recently presented to Parliament, to settle a regular course of instruction for those training schools, and to maintain them by annual examinations, according to the results of which grants were made from the Parliamentary fund to each school. All the above system—the apprenticeship, the training and examination for certificates, and the placing out of the certificated students as schoolmasters, who gathered round them and trained fresh apprentices —was in full and successful operation. At the end of 1851 there were 1,173 certificated teachers at work in schools; there were now 2,836. In December last, 2,239 candidates for such certificates were simultaneously examined at thirty-two different places, of whom 1,060 passed successfully. The result of the examination carried with it in grants about 27,827*l.*

Besides the abovementioned examinations, each training school was minutely inspected and reported on annually by one of the Government Inspectors, and that machinery was calculated to furnish the country with nearly 1,000 well-educated masters per annum, and to assist them with between 7,000 and 8,000 apprentices. That was the great fact of the Minutes of Council, in comparison with which the other parts of the scheme were subordinate. With regard to Kneller Hall, the Minutes on the table fully explained the causes of its failure, and the future course proposed to be taken by the Government in respect to it. He was happy to say that the services of the principal, Mr. Temple, of whose ability it was impossible to speak too highly, would still be secured in connection with the business of the Committee of Council, and that, as soon as Kneller Hall was abandoned, which would probably be the case in the course of a few months, that gentleman would serve as one of the Inspectors. One class of schools not specially named in the Estimates, and to which assistance was given, was ragged or industrial schools. These were aided by a capitation grant of 10*s.* for every scholar under industrial instruction, and the Committee of Council also allowed one-third of the cost of purchasing tools or putting up workshops, and one-half of the rent of the premises, including land for cultivation. The aid thus afforded was, he believed, productive of great benefit. The establishment expenses formerly charged principally on the Council Office grant were now comprised in the present Vote for education, and amounted to 9,431*l.* That office establishment had recently been revised by the Commissioners of Inquiry into Public Offices, whose Report was presented to Parliament in February last. One impartant item in the Estimate remained to be noticed—namely, the charge of 31,940*l.* for inspection. In the course of last year 5,575 schools had been inspected, and the inspection afforded not only a most valuable opportunity for the advice and cooperation of experienced officers in the management of schools, but was also a great and effectual security for the fulfilment of the conditions on which the Parliamentary grant was appropriated. A general review of the results of the Parliamentary grant during the past year showed that 312 elementary schools and eleven normal schools had been erected, enlarged, or improved; that 919 schools had received grants for the purchase of books and maps; that 539 additional certificated teachers were employed, together with seventy-seven additional assistant teachers, and 684 additional pupil teachers; and that the schools in rural districts, and in smaller towns, aided by grants calculated on the attendance of their scholars, were 667. The number of students under training in normal schools at the end of 1853 occupied only 70 per cent of the accommodation provided. They now occupied 78 per cent of that accommodation, while a school for sixty additional students had been opened in the meantime. At the end of 1853, forty-two industrial schools were receiving assistance; at the end of 1854, sixty-five. In 1853, 4341 schools, under separate teachers, were inspected; in 1854, 5,575, exclusively of thirty-eight normal schools. Such was the general result of the means now in operation for promoting popular education throughout the country. It was not right, perhaps, to speak of what was thus done as a system of education. The principle which had thus been acted upon was that of aiding, extending, and improving the existing educational agencies throughout the country, and its most important effect had, no doubt, been the improvement in the quality of education, by raising the standard, position, and qualifications of the schoolmaster. The facts he had stated showed to what an extent that had been accomplished, and how widely that benefit was being diffused, and, whatever might be the future decision of Parliament with regard to education, it was impossible but that the greatest advantage must be derived from the vast number of well-educated and highly qualified teachers provided under the recent operation of Parliamentary grants.

Mr. BARNES said, he was reluctantly compelled to oppose the proposed grant, and should move the reduction of the Vote to 263,000*l.* He did so because he believed that the grant inflicted great injustice upon a large portion of the inhabitants of the country, and failed to accomplish the object for which it was originally allowed. The taxes of the country were supplied by the whole of the people, but it could not be said that the grants of money for educational purposes were equally distributed among all those who paid taxes. Many persons who endeavoured to obtain an honest livelihood by giving instruction received no portion of the grant, and others equally suffered who refused, upon conscientious grounds, to receive grants of money for educational purposes. He was satisfied that the House would never have consented to grant a sum of money for the education of the middle classes, and yet, according to the Reports of the inspectors, they were the persons whose children now filled the schools. The proportion of poor children in those schools did not exceed 7 to 9 per cent. There could be little doubt that in many cases the money had been extravagantly and unwisely applied, and, though originally intended solely for the education of the poor, a large portion of it was at present expended in the education and preparation of pupil teachers and certificated teachers. Those persons frequently proved not to be good teachers, or were above their work, and the effect of the present system was to encourage a sort of fraud, for young men obtained an education professedly with the object of becoming teachers, but really with the view of rendering that education a stepping-stone to the attainment of ulterior objects. It appeared from Mr. Moseley's Report that 750 pupil teachers finished their apprenticeship in 1853, but it appeared that very few of them ultimately became teachers. Mr. Moseley stated that one-third of the pupil teachers educated in his district did not continue in the scholastic profession. Mr. Stewart said that out of sixty-seven apprentices in his district twenty-one were Queen's scholars, each of whom had cost the public 319*l.* at the end of two years. After receiving such an expensive education, however, there was no security that the Queen's scholars would devote themselves to that occupation for which they had been prepared at the public charge. The general conclusion at which the inspectors had arrived was that the cost of pupil teachers was excessive; that many of them abandoned the profession of teaching; that, after being educated at the public cost as teachers for public schools, the education they had so received only tended to their own private advancement in other walks of life; and that the system might be regarded, so far, a failure. He (Mr. Barnes) considered therefore that the Reports of the inspectors were strong reasons for reducing the grant. He also objected to the grant, because he regarded it as an insidious mode of setting aside the decisions of that House, which had repeatedly determined that it would not establish any of the systems of national education which had been proposed. The gradual increase of the grants for educational purposes was, however, establishing a system of education which had not been discussed in Parliament; and he thought the House was bound, by regard for its own dignity, to take care that no such system should be established without full consideration. He also considered that the manner in which the grants were administered involved a flagrant violation of the principle of religious liberty, for it was well known that in many parishes children were required to learn the Church Catechism, or to attend church on Sundays, as the condition on which they were admitted to the schools. Mr. Watkins, one of the inspectors, expressed his disappointment at the working of the system during twelvemonths previous to the time at which his Report was made, observing that the attempt to improve the education of the labouring classes had been attended with little success, and that it appeared from the year's inspection that little, if any, progress had been made by the scholars. Those facts, he thought, would justify the Committee in refusing to increase the grant. Last year, when the hon. Member for Rochdale (Mr. Miall) brought forward a Motion on the subject, the noble Member for the City of London (Lord J. Russell) promised that a Committee of inquiry should be appointed, but no inquiry had yet been instituted. He (Mr. Barnes) therefore hoped the Committee would not extend the grant beyond the amount voted last year until such an inquiry had taken place.

Motion made, and Question proposed—

> "That a sum not exceeding 263,000*l.*, be granted to Her Majesty, to complete the sum necessary to defray the charge for Public Education in Great Britain, to the 31st day of March, 1856, including the sum required for promoting Voluntary Assessments towards the expense of building Schools in Great Britain."

MR. W. EWART said, he must admit that we were not in a satisfactory condition with respect to education. We had no system, but the country voted so much per annum to stimulate voluntary effort. He thought his hon. Friend who had last addressed them had shown, not that too much money was voted for education, but that it was not distributed in the best possible manner. He feared that there were many districts, which the Government grant did not reach, in which, in consequence of the poverty of the inhabitants, there was the greatest want of State assistance. He believed that one great error of our system was in not adequately providing for a suitable class of teachers. If we could do that we should do a great deal for the improvement of education throughout the country. He thought it would also be of great service to the cause if a statement of the progress of education in the country were laid before the House from time to time. He must at the same time express his opinion that it was desirable to found a national system of education, in which local self-government was combined with an adequate control by Parliament. He believed it was quite possible to frame such a system.

Lord JOHN MANNERS said, he did not agree with the hon. Member for Bolton (Mr. Barnes), that the system at present in operation was no system at all. On the contrary, he believed that it was the one which was most in accordance with the feelings of the people of the country, and he should regret to see any material alteration made in it. He thought, however, that in future it would be desirable that a statement of the progress and state of education in the country, like that which was appended to the Educational Votes for Ireland, should be laid before the House. He should support the Government against the Amendment of the hon. Gentleman.

Mr. BARROW eulogised both Churchmen and Dissenters for their voluntary and successful exertions in the spread of education. He believed in the ultimate success of the voluntary system, and he could only regard the present Vote as a return of a portion of the taxes received from all portions of the people for the general education of the people. At the same time, he could not help thinking that the schoolmasters were over educated for their future position. He saw that an acquaintance with the three first books of Euclid was expected from a candidate for a Queen's scholarship upon his admission into the training school for masters; and it was not surprising, that pupils so prepared, and with other qualifications acquired in the training school, should seek higher situations and be unwilling to submit to the drudgery of teaching children of the working classes the rudiments of education. The profound classics conducting our public schools, are not occupied in teaching to the lowest forms the rudiments of Latin grammar. It was to be hoped, therefore, that the Committee of Council would reconsider their system as it related to certificated teachers. A greater proportion of their funds might be advantageously spent upon village schools; and, moreover, the amounts distributed should be fixed, not according to the sums voluntarily subscribed in particular districts, but rather according to the degree of poverty and the wants of each locality. Again, the restrictions in force respecting sites for schools in very populous neighbourhoods were very onerous, and instances had occurred in which the benefits of the grant had been foregone by the founders of schools rather than comply with them. If some relaxation were made in the conditions, and if the general rules under which the State's aid was dispensed were also made known in a simpler form than through the medium of voluminous Blue-books, a greater stimulus would no doubt be imparted to the spread of education. He was anxious that children of all descriptions should have a moral and religious education, and he did not therefore object to the practice of any parties taking their children to their own places of worship to learn their peculiar religious tenets. With respect to crime and education, and the proportion of educated men connected with crime, that might be accounted for by the fact that the learning taught was rather the learning of science than of religion and morality. If an equal attention to inculcating religion and morals was displayed as was devoted to acquiring art and science, the anomally referred to would disappear. With respect to the educational wants of criminals, he had examined into the subject, and he had discovered that great errors had been committed by those who drew up the statistics on the subject of crime. He was satisfied that education had made great progress, and he should, therefore, not wish to see the grant for education reduced.

Sir JOHN PAKINGTON said, that, having repeatedly had occasion during the Session to trespass on the attention of the House on the subject of education, he would on the present occasion only offer a very few observations. And, first, he must hail with satisfaction the accession produced by that discussion to the number of those who evinced a warm and sincere interest in the great cause of education, which was, beyond all doubt, the most important domestic question of the day, and excited an interest in the public mind second only to the war in which we were unhappily engaged, although unfortunately it did not excite a proportionate degree of interest in that House. While, however, gladly welcoming a new adherent in the person of the hon. Member for Bolton (Mr. Barnes), it was to be regretted that the hon. Gentleman, who had evidently directed much attention to the subject, should have signalised his first address in relation to it by a proposition to reduce one of the very few supports of national education to which the people could trust. The Government, indeed, deserved the gratitude of the public for having on the present occasion increased the grant — which had been gradually augmented during the last few years—considerably beyond the amount which it had ever before reached. In reality, however, the hon. Gentleman had found fault with the mode in which the grant was expended rather than with its amount. A large portion of the sum was very wisely devoted to the object of providing a good supply of efficient schoolmasters, without which no system of education, however skilfully contrived in other respects, could prove satisfactory in its working. The want of such a body of schoolmasters was one of the worst defects of our present system; and therefore it was gratifying to find that nearly 200,000*l.* of the entire Vote was intended to be applied to the remedy of that very serious deficiency. Since he had previously addressed the House on the question he had held communication with several gentlemen eminently conversant with it, who had assured him that the pupil teachers conferred so much benefit on the existing schools that, even if they did not afterwards take to the profession of schoolmasters, they fairly earned the whole of the money that had been expended upon them. It had been said that the schoolmasters were over-trained. Now, the true ground of complaint was not so much that the schoolmasters were educated to too high a point as that their training did not reach sufficiently low. It did not comprehend those industrial and other pursuits, a knowledge of which was so essential to those who undertook to teach in country schools. On that point, however, as well as upon others to which objection had been taken, a remedy would be supplied by the establishment of a properly constituted educational department. He was glad to hear from the noble Lord the Member for the City of London (Lord J. Russell) on a former evening that such a step was contemplated by Her Majesty's Government, and he felt convinced that it would lead to very great benefits. The fault was not, as the hon. Member for Bolton maintained, that the grant was too large (he wished it were larger), but that there was no Minister there to answer for the spending of it. He trusted that that was the last time he should hear a Secretary of State for the Home Department moving an Educational Vote. He hoped, in future, that the Vote would be moved by the Minister at the head of the proposed Educational Department. He hoped that for the future every facility would be given to the poor rural districts to take advantage of those grants, and that they would not be confined, as they had been, to the richer districts. He should be glad, too, to see it laid down as a rule that the public money should be granted only to those schools into which children of all religious denominations were admitted. He by no means wished to deprive schools of their religious character, quite the contrary; but, if any school connected with a religious denomination received grants from the public funds, it ought to be on the condition that no child should be excluded from it on account of a difference of religious opinions.

MR. EVELYN DENISON said, he could not agree with the mover of the Amendment for the reduction of the Vote, and he could not understand the ground on which the hon. Gentleman rested his argument, for he stated that it was founded on the objection that no assistance was afforded to the poorer districts, whereas he (Mr. Denison) thought he understood his right hon. Friend (Sir G. Grey) to say that the grant was enlarged in order that assistance might be given to the poorer districts. He wished to ask his right hon. Friend to explain more in detail in what manner the assistance was to be extended to the poorer, and especially to the rural poorer districts. With regard to a point which had been referred to, namely, the improvement in the education afforded, causing the scholars to attend for a shorter period than they otherwise would, he had felt so strongly on the subject, that he had given notice of Motion, with a view to establishing a system by which children receiving wages should contribute something towards their education, and he had since been informed that some such system had been adopted, and was found to work satisfactorily. The circumstances which had occurred in connection with the question of education that year had led him to believe that the present system was the most conducive to education, although he admitted that it was capable of improvement.

Sir JOHN PAKINGTON said, he wished to inquire what was the meaning of the term "voluntary assessment," which he observed was used in the Minute connected with the Supplemental Estimate of 15,000*l.*, which had been laid on the table?

Sir GEORGE GREY said, that the term of the Minute had been taken from a Minute of 1853, in which, under the head of capitation grants, certain grants were made to districts where the contributions were not of sufficient amount to meet the rule on which the grants were usually made. It was now proposed to do away with the distinction between rural and urban districts, and a sum of 27,000*l.* was taken to meet the grants to the rural districts that year. The Minute extended that of 1853 to all districts, whether rural or urban. He did not think the hon. Member for Bolton (Mr. Barnes) had done justice to the system of pupil teachers, for only 694 of the large number trained had failed to continue in that calling, and considering the marriages of some of the females, deaths, and emigration, the number was not in reality more than 500. He (Sir G. Grey) did not believe that they could bring the standard of education in Great Britain, as tested by the number of children who attended schools, to the continental standard unless they adopted the continental system. With respect to pupil teachers, Mr. Moseley was of opinion that there was the greatest advantage from them, and he stated that whatever legislative measure might be adopted it would fail unless there was first provided an efficient body of pupil teachers. With regard to what had been said by the right hon. Gentleman (Sir J. Pakington) as to the intention of the Government to form a department of education which was to supersede the Committee of Privy Council, he had the satisfaction of stating that the announcement of his noble Friend (Lord J. Russell) was a more certain announcement of the intention of the Government than when he (Sir G. Grey) had mentioned such a matter as the result of his individual opinion. It was proposed that the President of the Council, without ceasing to hold that office, should be the Minister solely charged with the distribution of the Parliamentary grant, and to direct all that was committed to the Government under the present or any future system of education. The department would of course be represented in that House by some Member of the Government in the same manner as was done with regard to the Poor Law and other Boards. He trusted that the change could be effected before the Estimate was again moved; and he fully concurred with his hon. Friend the Member for Dumfries (Mr. W. Ewart), that if such a department was established it ought to embrace not only the charge of education technically so called, but instruction in science and art.

Mr. ALCOCK said, he thought that the right hon. Baronet the Member for Droitwich (Sir J. Pakington) was entitled to the thanks of the House for the excellent measure which he had introduced. He saw no objection to the present Vote, but rather regretted that it was so small.

Mr. HENLEY said, that he did not think the present grant was excessive, and, therefore, he could not agree to the Amendment to reduce it. With respect to the teachers, he thought, considering the class of children to be instructed, that the standard of requirements on the part of the instructor was too high, which led to a system of cramming. What was wanted in an elementary school was to give the children that kind of elementary knowledge which would bring their faculties into play, and render them fit to perform the duties appertaining to their station of life. He believed that if the system which the Government had acted upon had been made a little more elastic a much greater amount of good might have been effected, because he was convinced that the House of Commons never would have complained if in districts where contributions were not to be expected from the inhabitants, the Government had acted with liberality, and had established schools wherever they appeared to be necessary. He had never heard any complaints that the Government had given money. The only complaint which he had known urged, on the contrary, was, that they had imposed restrictions upon the mode of obtaining the money which rendered the grant inoperative. He believed it was perfectly notorious that in many places there was school accommodation which was not used, and he would suggest that it would be desirable if in some of the poorer of those neighbourhoods the Government would endeavour to ascertain the reason why the children did not attend the school. If the Government could obtain any information upon that important subject, it would enable the House, possibly, to deal with it and to apply the proper remedy. He thanked the Government for their proposal to give assistance to a class of schoolmasters who were not quite so highly educated as those who were originally intended. If he properly understood the Minute, the registered schoolmasters were not quite of so high a grade as the others, and he thought it but right that they should have some assistance from the Government in schools which were not able to maintain such highly-trained masters as those to whom the grant was at present confined. He thought that, as far as possible, the grants should be accessible to all classes. He did not wish to see the grant diminished; on the contrary, he was certain that if the Government went on widening the basis, as they now seemed disposed to do, they would lay the foundation for a somewhat extended grant, which would produce corresponding advantages, and would supply the great want which was now felt in the matter of public education. There was no doubt that the great mass of the people were much more alive to the advantages of education than they were forty or fifty years ago. At the same time, when children became old enough to earn money, it was a great temptation to the parents to withdraw them from school, and it was, therefore, important that no opportunity for improving the material condition of the people should be lost sight of. If their physical welfare were promoted, he was satisfied that they would send their children to the schools in greatly increased numbers.

MR. MIALL said, he thought that, in whatever manner the Amendment of the hon. Member for Bolton might be dealt with, the Committee were indebted to that hon. Member for raising the present discussion, and for the manner in which he had brought out many of the facts detailed in the Reports of the inspectors. It was important that the Committee should understand the ground on which the opposition to the Vote was pressed, which was not the same ground as that on which the opposition to a general educational system was urged. The great bulk of the education of the people was carried on by themselves, and whatever was done by that House could only, as it were, touch the outside of the subject. The only thing the State could do was to supplement the action of what was called the voluntary principle; but the great objection to the present Vote was that it did not answer the purpose for which it was given. The views of the House on the question of education appeared to be gradually changing and shifting. They were no longer told of the dense ignorance and vice of certain neighbourhoods, or had detailed to them the statistics of gaols. He believed that it had been found by experience that the class the House originally intended to reach by educational means—that class which was so dangerous, and out of which criminals emerged—had not been touched. The ragged schools might touch them, but those schools could only be conducted by persons of Christian benevolence, whose sympathies were warm, and who were not easily to be set aside from their purpose by the difficulties they might encounter in their path. Therefore, the object for which the State interfered in the first instance in the matter of education had not been attained, but another object had, and that was the education through the assistance of the State of the children of small tradesmen, yeomen, and tenant farmers, and thus the independence of a class whose independence ought to be carefully cherished was being undermined. And this was done under the plea that it was to rescue from ignorance and vice a class which was becoming dangerous to society, and which the school system actually did not reach! If the grant were increased to any conceivable amount, the dangerous ignorance of the people would be left just where it was. He (Mr. Miall) believed that, as had been observed by the hon. Member for Bolton, the schoolmasters were over-educated, and made teachers of science instead of being teachers to discipline the character. He believed that the object for which Parliament voted the money was rather to train and form the character and make useful citizens, than to pour any quantity of mere instruction into the mind; but the system which was now pursued was calculated only to cultivate the understanding and not to mould the habits and character of the people. Such was likely to be always the effect of State interference with education, because the Government could not rightly appreciate the circumstances and wants of the working classes. Under such circumstances, he and those who thought with him were justified in demanding, not the immediate withdrawal of the whole grant, but that it should not be extended until further inquiry were made.

Mr. COBDEN had always thought that the hon. Member for Rochdale (Mr. Miall), and those who advocated the voluntary principle, objected to votes of money for a system of education in which religion was combined; while, at the same time, they objected to any system of education in which the secular element was separated from religion, taking up thus an immovable position. His hon. Friend the Member for Rochdale appeared now to have lost sight entirely of the religious objection to the grant, and to oppose it because he said it was not calculated to promote education; but the hon. Gentleman did not in any way prove the truth of that allegation. He also stated that the Educational Votes did not in any way benefit the criminal class of the community. Now, the criminal class was the most ignorant and vicious class, but it was begging the question entirely to assert that the existing system of education, unsatisfactory as it was, did not reach that class. As to the statement of his hon. Friend that the schools which were supported by those grants were attended chiefly by the children of small shopkeepers and farmers, who could really afford to pay for the education of their children, he could only say that in all those schools a large number of the children of labourers was to be found. The hon. Member said the parents of the children in our schools were very well able to pay for their education, but if that were the case, then why should he, and those who assumed the name of voluntaries, aid the poor by eleemosynary subscriptions among the richer members of congregations and churches? Voluntaryism, strictly so called, was violated by such aid as well as by Parliamentary grants, and more harm was done by it in pauperising the recipients of such aid, and the rules of political economy were not less infringed by it. But he (Mr. Cobden) confessed that he was not satisfied with the way in which the public money was now voted and applied for education. He saw the difficulty in which the House of Commons was placed by the refusal of the religious voluntaries to receive a share of the grant. They stood aloof, and then complained of it as an injustice; was that fair to Parliament or to themselves? He (Mr. Cobden), with the right hon. Gentleman the Member for Manchester (Mr. M. Gibson), was ready to meet their conscientious objections with an offer of secular education, while, on the other hand, the right hon. Baronet opposite (Sir J. Pakington) proposed to adapt the religious teaching of children in schools to the scruples of their parents. But the "voluntary" party were taking a position which really was not tenable, because no one could fail to acknowledge that some good had arisen out of those Parliamentary grants. Let the hon. Member for Rochdale and his Friends help to amend the system, and apply it to all classes of the community. He (Mr. Cobden) was glad to say that the hon. Gentlemen opposite were now making great advances towards a more just and equitable view of popular education; and if anybody had told him, five or ten years ago, that he should have heard such a liberal proposal from that quarter—as that of the right hon. Baronet the Member for Droitwich (Sir J. Pakington)—so well calculated to bridge over that gulf of difference which had hitherto seemed impassable, in the way of settling the question, he (Mr. Cobden) could not have believed it. Where, then, was now the great obstacle to a satisfactory system being adopted? He was bound to say, and with the greatest regret he said it, that it lay amongst his respectable Friends of the voluntary principle, whose individual efforts to promote education deserved so much credit. Could the hon. Member for Rochdale say now that a national system of education, like that of the United States, was destructive of civil and religious freedom? The observation of the right hon. Member for Oxfordshire (Mr. Henley) had much truth, that children were kept from school because the parents could not dispense with their earnings; but that difficulty was increased by their having to pay 3*d.* or 6*d.* a week for each child, and would be lessened if free schools were established. He (Mr. Cobden) did not agree that the education of schoolmasters was carried too far; if it was found that their training was too good for the functions they had afterwards to perform, that was because there was not an adequate notion of what their functions ought to be, and the children were withdrawn from school at too early an age. The remedy for those evils was to be found elsewhere. The profession of the schoolmaster should be better appreciated, and he should not have to find himself in an inferior social position to that of a clerk in a counting-house or at a railway station. As for the children, he had heard it said there should be a compulsory law requiring children to be educated. That had been adopted to some extent in the factory districts, where the children employed in factories were required to have a certain degree of education; and, generally, the great manufacturers of the country had lent themselves most cordially to that law, and had arranged that schools should be provided in their vicinities for the reception of the younger persons intended to work in their establishments. He did not think there would be any great difficulty in carrying out a system of compulsory education, but the schools must be provided first. He knew many large manufacturers who required the children employed by them to be educated, but generally these were men who took such interest in education that they had provided schools in the neighbourhood, and then no great hardship was inflicted. But if the State interfered, and required that every child should be educated, under penalties to be imposed on the parent, while it failed to provide schools such as existed in America, that would be beginning at the wrong end. He believed that the difficulty arose in great part from the low material condition of the mass of the people, and he much regretted that the heavy taxation laid on for the purposes of the war would very much tend to impair the resources of the people. However unsatisfactory the state of popular education might have been twelve months ago when the right hon. Gentleman (Sir J. Pakington) took up this matter, that was at the close of a period of great prosperity; and he (Mr. Cobden) very much feared that we were now approaching a time when we should see a great reverse in the fortunes of the country, and when the mass of the people would sink lower and lower in their social condition; he had no doubt we should see an increase of crime and pauperism, and that the labouring class would have still greater difficulty in sparing the means for their children's education. Something had been said of establishing a department of education; now, that was beginning at the wrong end. The House of Commons was placed in an anomalous position by allowing the Committee of Council, year after year, to increase the taxation of the country by grants for educational purposes, while Parliament had not yet been able to come to a decision as to the system of education which should be adopted. No doubt we had done much good by allowing the Privy Council, surreptitiously, as it were, to expend a certain amount in the education of the people; whereas, had we waited till the House of Commons came to a decision upon the system of education to be followed, nothing would have been done at all. He would not cavil, therefore, at what had been done; but there must be a limit to the present mode of proceeding, for we could not go on increasing, year by year, the Vote for education without coming to a decision upon the question of education itself. There were unquestionably anomalies in the present system—such, for example, as the proposed new scheme for encouraging local rating, without any reference whatever being made to that House. But, before a Minister of Education was created, it ought unquestionably to be understood what the education was to be; and he hoped the Government would address itself to that point first. As he had previously said, he was not satisfied with the way in which the money was voted; but, looking at the fact that a great deal of good had been done, he would vote for the increase of the grant, and hoped that the Committee would agree to it by an overwhelming majority.

MR. PHILIPPS said, he thought that, whatever might be the merits of the existing plan, it was the only one that at present could be carried on, and it should receive his support. It was of the greatest importance, however, that the State superintendence should be carried on with tact and discretion, and in such a way as to give encouragement to every effort, however humble, for promoting the education of the country.

MR. HADFIELD said, nothing was more obvious than that Government were unable to undertake the education of the people, and that the people must educate themselves. His difficulty was a religious as well as a political difficulty. Education, to be properly conducted, should be religious and moral as well as secular, and the State neither could nor ought to undertake it. In the seventeen years during which the educational grants had been made, 1,467,000*l.* had been voted by Parliament for England and Wales, out of which the Wesleyans had received in round numbers 60,000*l.*, and the Catholics 30,000*l.*, making altogether 95,442*l.*; while the Church of England had received 1,090,831*l.*, or, if the British and Foreign School Society (which he maintained was almost entirely a Church institution) were included, the establishment would have received 1,238,000*l.* He should like very much to know what were the intentions of the Government with respect to Kneller Hall? Unfortunately, hon. Members sitting near him had been unable to hear seven-eighths of the statement of the right hon. Baronet the Home Secretary, and he was not aware, therefore, what was to be done with respect to that institution, which stood upon the present list for a grant of 4,500*l.*, having already cost the country 62,000*l.* The object of establishing Kneller Hall was to train teachers for the purpose of giving instruction in workhouses, but he was informed that only forty-nine persons trained there were in service, and it had been calculated that the cost to the country of every one of those workhouse tutors was 1,000*l.* His conviction was, that no inducement would prevail upon those with whom he was connected to accept money from the State, for they believed religious instruction to be a necessary part of education, and they would not have state endowments wrung from the taxation of the people, for the purpose of conveying religious instruction. He should certainly support the Amendment.

Mr. LLOYD DAVIES said, he lived in a neighbourhood where every species of dissent prevailed, and they all availed themselves of the Educational Grant, and with very beneficial effects. There was, however, difficulty in obtaining the Grant which ought not to exist; but he was of opinion that the grant upon the whole was of the greatest service to the country. They had heard something of the quality of teachers, and as to Sunday schools, he thought that the teachers were too highly educated for the class of children whom they had to instruct. He thought they would ill discharge their duty to the country by placing any obstacle in the way of the grant being voted.

Mr. THORNELY said, it was his intention to vote for the grant, for he thought that with both systems—the Government and the voluntary—education was still much behind what it ought to be. He had been for many years a subscriber to the British and Foreign Schools, which institution, he believed, had done a great deal of good in the country, and also in foreign parts, to which their system of education extended. He had, however, heard with much regret that doctrinal matters were now taught in those schools, and that there had been a departure from the principle on which they had been founded—that of teaching the Scriptures without note or comment. If such were the case, he hoped that the system would be corrected, and that there would be a return to the original principle.

Mr. KINNAIRD said, he quite agreed with the right hon. Member for Oxfordshire (Mr. Henley) that the Government would do well to see if they could not hold out some inducement to get children to attend the schools. He thought that they could not adopt any compulsory system, but they might introduce a system of inducements. For instance, in all the principal towns there might be examinations, and they might offer, he thought, as prizes some of the minor Government situations; such a practice would give the greatest possible inducement to parents to send their children to school, and it would be much better to give such situations as educational rewards than to give them only to Parliamentary influence.

Mr. BRIGHT said, he wished to ask the right hon. Secretary of State for the Home Department a question in respect to a Bill that had been brought down from the House of Lords, entitled, the Schools Grant Security for Application Bill, and which had reference to the grant in question. When he objected to it at two o'clock in the morning about a fortnight ago, nobody on the Treasury bench knew anything about it. He might state that the Bill proposed to enact that all schools to which any portion of the grant had been given at any time during the seventeen years of its existence, should be brought under the power of the Home Secretary. There was a school to which he subscribed in his own town, to which about fifteen years ago a grant of 250*l.* was made, and 1,700*l.* or 1,800*l.* more was subscribed in the town. There was no condition of the nature of that to which he would refer when that grant was made. That condition was, that no school, to which any grant, however small, had been made, should be sold, exchanged, or mortgaged, or interfered with as a matter of property in any way, without the consent of the Secretary of State for the Home Department. It might be well to have such a condition as to future grants, but it appeared to him that there could be no doubt of the impropriety of affixing such a condition to former grants. He wished to know whether the Government intended to proceed with the Bill that night or at any future time.

Sir GEORGE GREY said, he had found that the Bill referred to by the hon. Member had been brought into the other House of Parliament by the President of the Council, and the object of it was to relieve trustees of schools from personal obligations, they having given bonds which affected them personally, with a view to secure school sites. When the second reading was moved he should be able to state more about the measure, but if it was thought to be unjust to trustees of schools, the Government had no desire to press it, but many trustees were desirous that it should pass, in order that they might be relieved from all personal liability.

Mr. BRIGHT said, he thought that the right hon. Gentleman must be talking about some different Bill, or else the clause was not English. It distinctly stated, if he understood it, that if any person had received a grant, and did not choose to repay it, then the school in respect of which the grant had been obtained, should not be sold or exchanged or mortgaged without the consent of the Home Secretary, and the Secretary of State was to endorse on the deed his permission in such a case.

Sir GEORGE GREY said, the Committee must be aware that it was the duty of the Government to see that the grants should not be extended to the erection of new buildings, which might be sold or mortgaged. Personal bonds had been entered into by the trustees not to sell or mortgage, and they now desired to get rid of their personal liability.

Mr. APSLEY PELLATT said, that the Bill to which the hon. Member for Manchester had referred, was, in fact, a portion of that centralisation which was so objectionable in matters of education. He could not avoid complaining of the overriding influence of the Church of England in matters of education. The effect of which was, that the children of Dissenters, who were obliged to attend schools in which the clergy had control, were taught one system of religion at school and another at home. The natural result of such a proceeding was most detrimental to religion generally. The system in Ireland was far better than that advocated by the right hon. Baronet opposite (Sir J. Pakington). There a day was set apart for the clergy of every denomination to attend and take their several classes. He wished to ask the Government what they proposed to do with Kneller Hall, which had cost so large a sum, and which it now appeared would shortly become useless.

Sir GEORGE GREY said, he could not answer the question at present. Kneller Hall might be applied to several objects, and he was now endeavouring to determine to what purpose it could be devoted with the greatest advantage.

Mr. HEYWOOD said, he wished to call the attention of the Committee to a grievance to which the Unitarians were subjected with respect to the British and Foreign Schools. Those schools had received many donations from Unitarians, but those who had the direction of them had gradually introduced nothing but Trinitarian doctrines, to the great annoyance of such Unitarians whose children had attended. A case had been submitted to counsel who advised that such conduct was a breach of trust on the part of the directors. Nothing, however, had been done, and he therefore trusted that the Government would use its influence to put an end to so improper a state of things.

Mr. CHEETHAM said, he would suggest the withdrawal of the Amendment. Although a friend to the general principle of voluntary education, still he could not, considering the beneficial results which had followed the labours of the Government in promoting the cause of education, join in a vote which would practically put an end to those labours.

Lord ROBERT CECIL said, the observations of the hon. Member for North Lancashire (Mr. Heywood) with respect to the British and Foreign School Society, proved the difficulty of establishing schools in which would be taught only those doctrines which all Christians were supposed to hold in common. He hoped that the right hon. and learned Lord-Advocate would, next Session, cause his Scotch Education Bill to be introduced in the other House.

Mr. BARNES said, he would withdraw his Amendment after the opinions which had been expressed upon it by the Committee.

Mr. F. SCOTT said, he begged to ask whether the Government intended to support the Bill before the House for maintaining the salaries of schoolmasters in Scotland at their present amount?

Sir GEORGE GREY said, that the Bill in question would come on at a later hour in the evening, when his right hon. and learned Friend the Lord-Advocate would state the course which the Government intended to pursue.

Amendment, by leave, *withdrawn.*

Vote *agreed to.*

(2.) Motion made, and Question proposed—

"That a sum, not exceeding 215,200*l.*, be granted to Her Majesty, for Public Education in Ireland, under the charge of the Commissioners of National Education in Ireland, to the 31st day of March, 1856."

Mr. FRENCH said, he must complain that the item for building, furnishing, and fitting up new schools in Ireland was only 3,500*l.*, while the corresponding item for England was 70,000*l.* He also found fault with the setting apart of 5,000*l.* for farm buildings at Limerick and Belfast as unnecessary on account of the wealth of those cities.

Mr. W. WILLIAMS said, he did not object to the Vote, but thought that it might in some respects be more satisfactorily applied than appeared from the estimates to be proposed. He especially objected to the erection of a conservatory in connection with one of the agricultural schools, the payment of a lecturer on physical science, and to the item of 1,000*l.* for a slaughter-house, as not coming within the fair scope of education.

Mr. WILSON said, he was quite willing to defend the items referred to by the hon. Member on the ground that they had reference to the means by which so many persons obtained their livelihood; and as regarded the utility of the purposes to which the money was generally applied, Ireland had set an example which might well be followed by England. The farm buildings at Limerick and Belfast were designed for the benefit of the districts.

Colonel DUNNE said he agreed with the hon. Gentleman that the system generally was good, but he could not conceive why 1000*l.* should be appropriated for a slaughter-house.

Mr. KENNEDY said, that while expressing his entire satisfaction at the increase of 30 per cent. in the grant of the current year for England, he must complain that the increase for Ireland amounted to only 10 per cent. The ratio of increase for both countries ought to be more equal. 117,000*l.* a-year of the Irish Vote was expended in salaries fixed on the paltry scale of from 17*l.* to 20*l.* for schoolmasters of the 3rd class, whose standard of qualifications was remarkably high. The national system had worked very successfully in Ireland, in spite of the opposition it had encountered; but the people would avail themselves of its advantages to a much larger extent if the education given included not merely knowledge of a literary character, but instruction calculated to promote the subsequent advancement in life of the scholars.

Mr. NAPIER said, he also must complain of the unsatisfactory position which Ireland occupied in regard to education as compared with other portions of the Empire. It was next to impossible that all parties could agree upon a uniform system of national education; but it was at least earnestly to be hoped that in the course of the next Session of Parliament some general plan would be adopted regulating the mode in which the assistance of the State should be given to all classes of religionists. The principles relating to the subject of education which had been enunciated upon the platform of the British and Foreign School Society by the Duke of Argyll, by the noble Lord the Member for London (Lord J. Russell) and also by the present Lord-Lieutenant of Ireland, were alike just, sound and liberal; but why should the Protestants of the sister country alone be denied the benefit of their application? It was the intention of his right hon. Friend the Member for Midhurst (Mr. Walpole), who had given notice of a Motion, but had been compelled by one of the war debates to withdraw it, to bring before the House early next Session the whole question of education in Ireland, and to have the matter fairly and fully discussed.

Mr. KIRK said, that one effect of the establishment of the national system of education in Ireland had been to supersede the old schoolmasters there, who were generally men of some classical and scientific knowledge, and, by substituting in their place the national schools, to lower the character of education throughout the country. He was glad to find, therefore, that an increased grant was proposed, because increased salaries might tempt men of superior qualifications to undertake the duties of national schoolmasters. Something certainly ought to be done to provide a better kind of education for the middle classes; otherwise there would be no feeders for the colleges, and the consequence would be that the whole youth of Ireland world be shut out from the competitive examinations for appointments in the public service which were to be established. A number of children were taken from the schools to be put to industrial employment, and he thought that such children should not be taken from the school until they acquired a certain amount of education. He did not intend to oppose the Vote.

LORD JOHN MANNERS said, no sufficient explanation had been given as to the extent to which it was intended to carry the contemplated model agricultural schools. It was going too far, he thought, to call upon the country to furnish funds to educate men for such positions as land stewards, farm bailiffs, and the like.

MR. CHEETHAM said, he quite concurred with the noble Lord, and he should therefore move to diminish the Vote by 2,000*l.*

Motion made, and Question proposed—

"That a sum, not exceeding 213,200*l.*, be granted to Her Majesty, for Public Education in Ireland, under the charge of the Commissioners of National Education in Ireland, to the 31st day of March, 1856."

SIR JOHN WALSH said, that the public grant was in itself insufficient for the general education of the people, and any portion of it devoted to a limited object was so much abstracted from the general funds to be applied to elementary education. If, therefore, the hon. Member for South Lancashire pressed his Amendment to a division he should vote for it.

MR. WILSON said, that the real object of such grants as the present was to afford to the lower classes of the community that kind of knowledge which would best fit them for the performance of their duty in the station of life in which they moved. It would be recollected that a noble Lord had on one occasion—he believed at a meeting—made use of a remarkable expression, having observed that the knowledge which the people most required was "the knowledge of common things," and it was that description of knowledge which such grants as the one now under the notice of the Committee were calculated to supply. Land stewards and others to whom it applied were, in fact, only superior labourers, and, being spread through remote districts in Ireland, they would set an example to others which could not fail to be beneficial. The result would probably be that, by introducing a better system of cultivation, they would eventually raise the value of the land. He was surprised, therefore, to find such an Amendment as the present proposed, for he thought that to strike out those items would be exceedingly injurious, and he should, therefore, be much disappointed at their rejection.

LORD JOHN MANNERS said, that the hon. Gentleman the Secretary for the Treasury had quoted the well-known maxim of Lord Ashburton about common things, but he had failed to show what possible connection there was between common things and hothouses. The fact was that the present proposal was an attempt to divert an educational Vote to other purposes. He did not deny that these things were very well in themselves, but could the hon. Gentleman justify upon his own principles of political economy the grant of public money for them? He challenged the hon. Gentleman to adduce a single instance in which a similar Vote had been passed before.

MR. CONOLLY hoped that the appearance of the item of a hothouse in the Vote would not induce the Committee to refuse the people of Ireland the means of obtaining a really valuable education in "common things," the importance of which was now so generally recognised.

MR. MAGUIRE said, that an application had just been made for an increase of 30 per cent upon the English Vote, and that no objection had been raised by any Irish Member; but now that an additional 10 per cent was asked upon the Irish Vote, and a demand was made for a paltry item of 2,000*l.*, an hon. Gentleman thought it worth his while to oppose it, although it was intended to instruct the people of Ireland in the art of agriculture, of which they were stated to be, in many remote parts, lamentably ignorant.

MR. APSLEY PELLATT said, he thought there was much force in the observations of the hon. Member for Dungarvan, and he consequently should support the Vote. After the large amount granted for English education, he could not refuse to grant an increase of 10 per cent for Ireland, especially for agricultural objects.

LORD NAAS said, he should offer no opposition to the Vote, for he believed that no institution was managed better than the one in question. Still he thought there was danger in the course taken by the promoters of the institution, which he thought should be confined to agricultural purposes—to teaching men to be good farmers and not gardeners; and he thought it would be more advantageous to increase the Vote, not for the purpose of having a conservatory, but having more pupils in farming.

Mr. F. SCULLY said, the institution had conferred great benefit upon the country. Its object was not to send out schoolmasters in farming, but good practical farmers, acquainted with the cultivation of fruits and plants, as well as the rearing of stock. He hoped the Vote would be agreed to, and was sorry that the opposition to it had originated with an Irish Member.

Mr. HENLEY said, he very much regretted that the subject had been so argued as if a difference was to be made between an English and an Irish question. The Vote must be taken as an exceptional one; but, in reference to the education of the poorer classes, he did not see why a conservatory was brought in. He had heard an hon. Member say that that was desirable in consequence of the potato blight, but he was not aware that the culture of potatoes was carried on in conservatories.

Amendment, by leave, *withdrawn.*

Vote *agreed to;* as were also the two following Votes.

(3.) 605*l.*, Expenses of Commissioners of Education in Ireland.

(4.) 79,364*l.*, Science and Art, &c.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present, the House was adjourned at half after Two o'clock.

HOUSE OF LORDS,

Friday, July 27, 1855.

MINUTES.] PUBLIC BILLS.—1ª Religious Opinions Further Relief; Public Houses (Ireland); Island of Tobago Loan; Joint Stock Banks (Scotland); Turnpike Acts Continuance (Ireland).

2ª Slave Trade (Sherbro).

3ª Stage Carriage Duties, &c.; Convention with United States; Ecclesiastical Jurisdiction Continuance; Militia Officers' Qualifications; Treasurers of Counties (Ireland); Crown Suits.

PRESENTATION TO BENEFICES—CASE OF THE REV. C. C. LAYARD—PETITION.

Earl FORTESCUE, in *presenting* a petition from the Rev. C. Clement Layard, complaining of the refusal of the Lord Bishop of Exeter to institute him to the perpetual curacy of Escot, in the county of Devon, said the task which had been entrusted to him was not one of his own seeking, but as the grievance arose in the county with which he was connected, and the complaint was directed against the exercise of the power vested in a Member of their Lordships' House, he thought he ought not to hesitate to bring it fairly before them. Before doing so, however, having been anxious to consult the convenience of the right rev. Prelate, he had communicated with him on the subject, and he was informed, in reply, that the state of the right rev. Prelate's health would render his attendance in the House extremely inconvenient, and that he did not consider his presence essential to the proper discussion of the petition. Under those circumstances, the right rev. Prelate had requested him to state to the House his opinion that the question could be discussed there only when it should be brought upon an appeal from a court below. The right rev. Prelate then went on to observe, that he had the satisfaction of knowing that if he had done an act of injustice to the Rev. Mr. Layard, he might seek redress in an ecclesiastical or temporal court, as he might be advised. Now that remedy had been tried in the year 1848, by the Rev. Mr. Gorham, who was similarly refused by the Bishop of Exeter. Upon being refused, the Rev. Mr. Gorham carried his case into the Court of Arches, where he was cast at an expense of 1,225*l.* He afterwards removed it, by appeal, to the Judical Committee of the Privy Council, where he established his claim at the end of two years from the time of his presentation, at an expense of above 1,600*l.* making, with the addition of about 700*l.* for incidental expences not included in the Bill of costs, a total of 3,604*l.* He would put it to their Lordships, therefore, whether those courts afforded a mode of appeal suited to the circumstances of a poor clergyman, who would in general forfeit any preferment rather than incur such heavy liabilities. Indeed, he must say, that the Bishop of Exeter himself was not insensible to that view of the subject; for, in a subsequent letter, which he also desired that he (Earl Fortescue) should read, the right rev. Prelate said he quite concurred in that portion of the petition which referred to the large amount of costs incidental to the course of practice in these courts, and that he should be happy if any means could be devised by which they could be lessened. Mr. Layard stated that in May he was nominated by Sir J. Kennaway, a most devout and conscientious Member of the Church, to the perpetual curacy of Escot; that he was examined by the Bishop of Exeter, both orally and in writing upon certain points touching baptismal regeneration, and that he was finally rejected by the bishop. He further stated that he had been in orders for eleven years, that he had officiated in the dioceses of Peterborough and of Lichfield, and had received most favourable testimonials from the bishops of those dioceses, and that he had been selected to fill the office of lecturer by the Elder Brethren of the Trinity-house at a time when the Duke of Wellington was Master of that corporation. When Mr. Layard was undergoing his examination he was offered the temporary charge of a parish by the Bishop of Peterborough; and while he was vicar of Mayfield he had been presented by his parishioners with a piece of plate as a token of their esteem and gratitude. He stated his willingness to make the usual declaration of assent to the Articles in the Book of Common Prayer, and to take the usual oaths of canonical obedience, and he stated that his case was by no means a singular one, but that many similar and almost identical instances of the rejection of ministers approved by other bishops had occurred of late in the diocess of Exeter, of which two or three were in the present year. The petitioner humbly submitted for the consideration of their Lordships "that clergymen, on simply renewing, *ex animo*, their declaration of conformity and their oath of canonical obedience as required by law, might be in all cases reasonably and safely admitted by the bishop to any benefice or cure of souls when they have already been engaged in the cure of souls in his diocess, without having incurred his censure, or when, having served in another diocess, they bring with them a *bene exeat* from the bishop thereof." Mr. Layard therefore prayed their Lordships to pass some such measure as above suggested, or to take other steps to prevent the recurrence of the grievance arising from a bishop thus ignoring the judicial decision of Her Majesty's Privy Council, and depriving both clergyman and patron of their respective legal rights in regard to the presentation to benefices. In the absence of the Bishop of Exeter, and of every other Member of the right rev. Bench, he (Earl Fortescue) would not venture to express any opinion upon the particular points at issue, but he would venture to say that a man commended and approved of by two bishops ought not to be deprived of his preferment at the arbitrary will of a third. It could not tend to the benefit of the Church, or the country, or to the respect which ought to be entertained for the episcopal Bench, that such differences should take place in the bosom of the Church, and among the heads of the establishment. His Lordship maintained that any clergyman presented to a living should be instituted on making the declaration of conformity and taking the oaths of canonical obedience, and not be liable to have his conscience harassed, his rights denied, and his professional prospects blasted by inquisitorial questions on disputed points of doctrine and faith. He concluded by moving that the petition be printed with the Votes.

LORD MONTEAGLE objected to the Motion that the petition should be printed with the Votes, on the ground that such was not the custom of their Lordships' House. On some very rare occasions, petitions had been ordered to be printed in the Journals, but never with the Votes.

After some discussion, in which it was stated that the Standing Orders were altogether silent on the subject;

Petition read, and ordered to lie on the table.

RELIGIOUS OPINIONS FURTHER RELIEF BILL.

LORD BROUGHAM:* My Lords, according to the notice, I would call the attention of my noble and learned Friend (Lord Chancellor) and of your Lordships, to the Statute Law Commission, of which he is the head, and I have the honour of being a Member; but it is chiefly in order to obtain its aid in examining the details of the important Bill which I am about to lay before you, and the subject of which well deserves your deliberate consideration—the great subject of Religious Liberty. I will not now, any more than on our recent discussions, and for the reasons I then gave, consent to use the phrase toleration, except only as denoting the contrary of intolerance, which, unhappily, has too often had a real existence. I object altogether to speaking of that, the existence of which I deny, the favour, or boon, or privilege of toleration; as if those who conscientiously differ with us in religious belief or observance were to thank us for allowing them, suffering them, bearing with them—any more than we have to thank them for bearing with us while we hold our opinions and exercise our worship. To hold opinions and to worship God according to his conscience is the absolute, imprescriptible right of every man; as much at the least in this most important matter as it is in trifling things his right to do what he pleases, so he breaks no law and invades no right—as much his right as to leave his dwelling and walk upon the side of the street which he prefers; and if you tell him you suffer him to do so, that you tolerate him in doing so, he may well answer that he owes you no thanks for letting him do what you have not the shadow of a right to prevent; and he may say, "In return for your letting me walk on the left-hand side of the way, I will tolerate you in walking on the right hand." At the bottom of all this, there lurks the notion that they who pretend to tolerate are entitled, if they please, to prohibit; that they might withhold the leave they grant; in other words, that they might require conformity to their opinions on pain of temporal penalty; so that really this pretence of toleration is at the very foundation of the code of persecution. Of that code, happily, the improved principles and temper of recent times has abrogated the most important enactments. Yet it is too certain that considerable remains of it continue to disfigure the Statute-book, to the disgrace of our jurisprudence. Some of those penal laws are in practice obsolete; but even these should not be suffered to remain. When my noble and learned Friend not now present (Lord Lyndhurst), by his wise and just measure of 1846, swept away somewhere about thirty of those old penal laws, no one opposed on the ground that such Statutes as that of *Hen.* III., requiring Jews to wear a badge, were not very likely to be enforced in these days. The wisdom of the Legislature decreed that they and other such obsolete enactments should no longer deface our legal system. Indeed many penalties believed to be obsolete, are, as I lately showed your Lordships, liable to be quickened into noxious life by the malice, or the avarice, or the zeal of individuals. Of this it is needless to give more examples than were cited both in 1846 and lately in the debate on this subject. But the real state of the law in matters affecting the sacred rights of conscience, is I believe very little known, and I will give a few instances which abundantly prove how needful is such a revision of the Statute-book as I recommend.

Much of the evil has arisen from careless legislation, though a good part also from design, through mistaken zeal and erroneous views of the State's religious duty. Of mistakes a fruitful source has been the careless making of inconsistent enactments, the leaving it uncertain whether a law is repealed or not; the partial instead of total abrogation of a provision; the substituting a new remedy or mode of proceeding for a former one, without abolishing the old. To give instances of what results from these modes of making laws would be as endless as it is easy. I may mention the uncertainty in which we are left whether certain penal Acts still exist or not. Persons have ever been puzzled to find that such Statute as the famous Act of the Six Articles, the 31 *Hen.* VIII. is entirely repealed—that which got the name of the Bloody Bill, from the Protestants, as well it might, for one provision condemned all to be burnt who denied the real presence. The King had so far joined the Reformation as to pillage the Catholic Church; but being minded to retain his title of Defender of the Faith, he chose to abide by the fundamental doctrine of that faith, and consigned to the flames all who differed with him. The Act was repealed by the 1 *Edw.* 6, c. 12; but some half-dozen Statutes have since been made repealing different parts of that repealing Act, and it has been said that no one can now confidently believe in the whole of the Six Articles being abrogated. However, on this I entertain no doubt; the 3rd section of the Act of Edward plainly repeals, and has, as regards that repeal, not been repealed. But let us look at the history of the old writ *de excommunicate capiendo.* The Statute of Elizabeth for the due execution of that writ was not repealed by Sir William Scott when he desired to substitute a new mode of procedure, by the writ *de contumace;* and his Act 53 *Geo.* III. 127, saves the process of excommunication for spiritual offences, just as the Statute of 29 *Car.* 2, c. 9, abolishing the writ *de heritico comburendo,* saves the ecclesiastical jurisdiction as to all punishment short of death. Accordingly there remains on our Statute-book the enumeration of all the heads of proceeding for excommunication, notwithstanding Lord Stowell's Act; the 13th section of the Act of Elizabeth is unrepealed, and it enumerates the offences cognisable for excommunication as schism, incontinence, and others, among the rest usury, which, nevertheless, has now by a late Act been declared no offence at all by the civil law. Probably this might prevent it from being any longer treated as a ground of excommunication. Yet there is no doubt whatever that we have the two laws standing together, one of which permits the taking any rate of interest, and the other declares whosoever takes more than a certain rate, worthy of excommunication.

But if instances are desired of evil actually suffered from the continuance of intolerant laws, I fear we may resort to provisions which the law has wilfully made, contrary to every principle of justice, and wholly subversive of religious liberty, subjecting men to penalties and disabilities on account of the nature of their belief and their mode of worship. In the spirit of intolerance and persecution some of these laws had their origin; laws suited to the darker age in which they were framed. Others were framed rather against the political than the religious tenets of the professor, but being conceived in terms of great generality, pressed upon parties which were not within the contemplation of the Legislature; as the enactments levelled at Roman Catholics, and which hit Protestant Dissenters who never were in the lawgiver's contemplation, and the provision meant to give certain declarations on secular objects a peculiar solemnity, without the least regard to the religious belief of those who were required to declare, and which thus by mere accident operated against a whole body of persons whom the authors of the law never thought of, and never dreamt would be affected by it. The continuance of all these enactments on our Statute-book, long after the circumstances have ceased to exist which alone could justify their ever having been made for however short a time, is one of the greatest scandals to which our system, whether legal or political, is exposed.

I ask your Lordships' attention to one or two examples of what I am describing. If a natural born subject of the Crown happens to have a son born abroad, by the Statutes of Anne and George II., that son has all the rights of a British subject; but his grandson, the son of that son so naturalised by the Statute, has not the same rights. An Act was passed early in the reign of George III. — 13 *Geo.* III., 3. 127—which professed to place the grandchildren on the same footing with the children. But, unfortunately, by reference to other Acts, this naturalisation in the grandchild's case was confined to Protestants, and was withheld from both Roman Catholics and Jews; for no one can claim the benefit of the Act without taking the Sacrament in some church or chapel of the Protestant worship. There is no little obscurity in the statutory provisions on these subjects, an obscurity little creditable to our principles: and whoever examines the evidence taken some years ago before the House of Commons Committee on the Alien and Naturalisation Law, will find that able and learned person, and sound lawyer, my late friend, Mr. Charles Williams Wynne, describing the difficulties in which he felt himself placed in administering the concerns of wards and others for whom he was trustee, by the confusion and obscurity in the law. The result, however, of whatever examination you give to the subject, is as I have stated it; and the opinion lately taken of the very highest legal authority on subjects of this description, declares that there exists no doubt on the matter, and that neither Jew nor Catholic can be naturalised, under the Acts, without abandoning their own religion.

Now, I pray your Lordships to mark what is the consequence of leaving such laws on our Statute-book. The late Duke of Gloucester was born at Rome; the present Duke of Devonshire at Paris; both were naturalised by the Statutes of Anne and George II.; and if either had a son also born abroad, the Act *Geo.* III. applied, and naturalisation was effected, because in their case there was no difficulty in taking the Sacramental Test. But how would it be if the Duke of Norfolk had been born abroad and his son also? The Duke would be naturalised; his heir apparent could not be, unless he did what all who know that able and excellent individual must be aware he would not do, declare himself a Protestant by taking the Sacrament in one of our churches; and thus he would forfeit the right to inherit the princely domains, which form the apanage of this great title.

Others of our laws press upon Protestant Dissenters. When I moved the Bill, the other day, for correcting an error in the Registration Act of 1852, I stated how much these most respectable sectaries felt aggrieved by the continued requirement of Registration, as a condition of relieving their chapels from the penalties demanded by the Conventicle Act of

Charles II. and the subsequent Statute of 1812, somewhat mitigating that barbarous law, which it only in name repealed, for it put other penalties in its place.

The Dissenters all complain, and, in my opinion, justly complain of registry being required before they can be relieved from these penalties—before their meeting-houses can be deemed legal, and the congregations escape the consequences of the intolerant laws first made nearly two centuries ago. That this exigency of the law may and often does produce practical evils to those bodies is certain. If the requisites are not complied with the consequences attach. Thus the licence to celebrate marriages in their chapels depends upon their being duly registered, that is, registered according to the formalities prescribed. Opinions have been taken on the validity of marriages celebrated in chapels which had licences but after an informal registration; and the greatest anxiety has been felt on this important matter from the conflict of those opinions. On one point, however, there can be no conflict; an unregistered chapel licensed as such within the Act making the marriages there valid has not valid licences; and we saw that between six and seven thousand chapels had been opened since 1852, in many of which marriages had been celebrated, to make which valid we had to pass the Act a few days ago.

The exemption from rates of such meeting-houses all depend upon due registration.—But I pray you to look back upon what injustice the Registration Law worked some years ago, when those disgraceful riots took place at Birmingham, from the fanatical zeal of a mob, countenanced if not instigated by persons in a respectable station, whose ecclesiastical bigotry and intolerance was exacerbated by the prejudices of a political party—when the meeting-house of Dr. Priestly was destroyed, and the house with the library and the manuscripts of that illustrious philosopher, and the apparatus with which he had made the discoveries that have given him an imperishable renown. For his private losses he obtained compensation by his action against the hundred; but for the injuries to the chapel no action could be maintained, because the registration had not taken place. Indeed, as it was an Unitarian meeting-house, it was not within the Statute of William III., the Act of 1813 having, fo the first time, extended the protection of such buildings.

However, even after that latter Act had passed, a defective registration would have deprived the proprietors of their recourse against the hundred, and would have enabled the rioters to escape the penalty of the law. By the Riot Act—1 *Geo*. 1. s. 2, c. 5—the demolition of a chapel is a capital offence, but only of a chapel duly registered. To destroy any other, any one for instance of the thousands unduly registered since 1852, though a crime of just as deep a dye as makes the offence punishable with death if committed against a registered meeting-house, is only a trespass, or, at most, under the recent Acts, punishable as a misdemeanor by a small fine.

It is now proposed that all these remains of the intolerant laws, made in other times in circumstances which no longer exist to justify or even to extenuate such enactments, should be swept from our Statute-book, and that no fetter upon complete religious liberty should any longer be continued. I speak as much for the Church, of which I am entirely and willingly a member, as for the sects with whom I altogether differ in opinion. The Church can well rest upon her own great merits, and is only weakened as well as dishonoured by those intolerant laws which short-sighted partisans vainly regard as her pillars. She will be strengthened as well as exalted by their removal. We may hold the Dissenters to be in error, as they may regard our faith to be erroneous. Each party may conscientiously oppose the other in argument and freely discuss their points of difference, whether in doctrine or in discipline. None are to be regarded as unimportant which any men conscientiously believe to be material. A celebrated father of the primitive Church has, I believe, been parodied by a modern prelate in his famous dictum—"In necessariis unitas, in dubiis libertas, in omnibus caritas." The modern substitute for St. Augustine is not less intolerant and, to my mind, much more absurd—"In essentials liberty, in unimportant things unity, in all charity." In only the last point of the proposition can I agree. We have no right to regard anything as trifling, either in doctrine or discipline, which our fellow Christians hold to be momentous—whether it be matter of religious dogma, or of ecclesiastical observance—as that the priest shall turn his face to the altar or avert it, shall read in one part of the church or another, with or without lights, or have a stone placed in one portion or another. We may ourselves entirely disregard all this, because not agreeing with our views, but I deny the right to treat it as insignificant and call it mummery, if any body of worshipers sincerely believe it to be important. Above all, we have no right to visit this conscientious difference of opinion upon those who hold it, with any penalty or disability whatever of a temporal nature; and you may depend upon it that they who have little or no religion will be the most ready to maltreat men upon the ground of differences being insignificant. If the observances are inconsistent with the ecclesiastical discipline of the sects or of the Church, it is for the spiritual authorities to take cognizance of them. The State is bound for the sake of Religious as well as of Civil liberty, to withdraw from the controversy, and leave it to be conducted by the spiritual power.

The Bill which I now present to your Lordships is framed upon this, the true principle set forth in the preamble, that it is contrary to the interests of religion and inconsistent with civil liberty that any person should be subject to any pains, penalties, or disabilities whatever on account of his religious opinions, or his mode of worship. It repeals all the Acts or parts of Acts passed inconsistent with this great principle; and of about 120 such our Statute-book will thus be got rid. I trust your Lordships will now give the Bill a first reading, and that my noble and learned Friend will see the propriety of referring it to the examination of the commission of which he is the head. The labours of my very able and learned Friend (Mr. Field), of the Chancery Bar, as well as his brother, the eminent solicitor, have enabled me to lay it before your Lordships. Of their merits it is difficult for me to speak too highly; and they represent the Protestant Dissenting body. I have further had the invaluable assistance of Mr. Anstey, who belongs to the Romish Church, and of whom I will only say that a more learned, indefatigable, and useful fellow-labourer it is impossible that any one can have in such works. His Lordship then *presented* a Bill to repeal all Pains, Penalties, and Disabilities on account of Religious opinions; and moved that it be now read 1^a.

THE LORD CHANCELLOR thought no one could entertain any objection to the suggestion that the Bill, after being read a first time, should be referred to the Statute Law Commission. Undoubtedly it did not, at the first blush, appear very germane to the business of a Commission, whose duty was to consolidate laws, that they should take into hand the framing of an Act to repeal, and not consolidate, a great many of the existing laws; but he thought it extremely important, with a view to the consolidation of what was desirable to be retained, also to get rid of that which was superfluous.

Bill read 1^a.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 27, 1855.

MINUTES.] PUBLIC BILLS.—1° Turnpike Acts Continuance (No. 2); Militia Ballots; Sale of Beer, &c.
3° Office of Speaker.

TURKISH LOAN BILL.

[*Progress, 27th July.*] Order for Committee read.

House in Committee.

Clause 1.

MR. GLADSTONE: I do not intend to raise any question on the principle of the Bill at the present moment, nor to offer a remark upon the singular example it affords of a measure which, on its merits, has met with the unanimous disapproval of the House—which has been disapproved of by every part of the House except the Treasury bench—and which, though so disapproved of has been supposed, through its having passed its second reading in silence, to be a measure which, notwithstanding its badness and the impossibility of justifying its form, it is better to accept than risk the inconvenience which the majority of the House believe would be consequent on its rejection. I think that is a fair statement on the part of hon. Members, who, like myself, are opposed to this measure, but who do not think it their duty to reject it. I was in hopes that the Government would have taken steps to mitigate the evils inseparable from this measure—to mitigate them, for it is impossible to remove them —for I do maintain that, giving pecuniary aid to Turkey by means of a guarantee is full of danger and pregnant with mischief to the whole tone of the objects and policy of the war, and is certain, when the war is concluded, to throw Turkey, for whom you are fighting, into the arms of the country which is now her and your enemy. I feel, however, that the evils of this measure would have been susceptible of mitigation if the Government had taken power, not of course, to compel by force an alteration of the terms of the Convention, but a power to modify its terms so as to have removed the entangled ralations to which it will give rise between this country and France, and to have separated the pecuniary liabilities of the two countries. By this means you would have got rid of the formidable prospective dangers which I tell you will arise in the relations between France and England in consequence of this Convention. The Government, however, have not thought fit to pay any attention to the opinion of a minority which was almost a majority, and which would have been so on Friday last had it not been for the energetic measures which were adopted by the Government. They have not thought they were bound to pay any regard to the sentiments of those Gentlemen who declared themselves in favour of the Bill, but who were unanimous in disapproving its propositions. Though the Government had in their power to act upon the remonstrances of these Gentlemen, they have not done so ; and this will be remembered when the superficial current of public feeling has turned, and will be taken an account of. I am anxious not to offer any opposition to this Bill which might look like a factious one, or to obstruct the measure ; and I shall content myself now by stating my strong conviction that it was the duty of the Government to consider the manner in which it could have mitigated the evils of the present measure—and that they might have done—and to have paid respectful attention to the unanimous disapproval of the principle involved in it, which had been expressed by the House. On the present occasion I want to know the meaning of this Bill, with reference to which I find myself in considerable difficulty. In the first place, I apprehend, as far as I am able to learn, that the Convention on which it is founded is an instrument which is entirely new in the history of international transactions ; and, in the second place, it appears to me that the general provision of the Convention for a conjoint guarantee is not in harmony with its subsequent provisions. I will state hereafter why I hold this opinion ; and I now want to know, in the first place, whether this Convention has been submitted to the law officers of the Crown, whether they approve of its language and are ready to give their opinions as to its legal meaning and operation ? If it has not been submitted to the law officers of the Crown, then that is a grave error ; but if it has been so submitted, then I must press my right as a Member of this House to have the answers of those Gentlemen with respect to the meaning and operation of this measure. By this Convention Her Majesty undertakes to recommend Parliament to enable Her to guarantee, conjointly, with the Emperor of the French, a loan of 5,000,000*l.* sterling. I set aside the verbal question as to whether it was intended to guarantee the loan of 5,000,000*l.* sterling or the interest of such a loan as one of little importance ; but, as far as I can understand it, you intend to go into the market, and guarantee, on the faith of Turkey, a perpetual annuity of 4 per cent, subject to the operation of a sinking fund ; it is not your intention to raise a loan of 5,000,000*l.* but to sell that annuity. By this clause you are authorised to guarantee conjointly with the Emperor of the French, but it is rather singular that on looking at the French version of the Convention you find that its words are not followed—the French Convention has the words "*conjointement et solidairement.*" I should like to know whether these two words are equivalent to our word "conjointly." I will presume for the present that it is so, and that is my belief. What is the meaning of guaranteeing conjointly with the Emperor of the French ? I should suppose that we mean to impose what we call a joint and several liability, and that I believe is the meaning put upon it by Her Majesty's Government. We know the meaning of that phrase, and its exact application by the proceedings of our courts. When two parties enter into a joint and several liability, in such a contract there is nothing of liability which applies to the one which does not apply to the other. If this be so, then I come to my proposition, that the subsequent clauses of the Convention are not in harmony with the first ; for the first clause contemplates a liability equally divided and incident on the two Governments in the same modes and degrees, while by the subsequent clauses there is contracted a liability of a totally different nature. In the second clause there is nothing that varies from the first ; but by the 3rd and 4th articles of the Convention I find that the interest of the loan is to be remitted to England by the Sultan of Turkey, and the proceeds of the loan are to be paid into the Bank of England. I want to know whether we are going to create a legal right on the part of subscribers to the loan to receive their interest at the Bank of England? If they are entitled to receive the interest, they must be entitled to do so at some given time and place, and I want to know what that place is? I see the hon. Member for Bath (Mr. Tite) in his place, and, as he came into the House in connection with the question of administrative reform, I call his particular attention to this; and he will find that, instead of making, as we ought, a snail's progress in administrative reform, we are making a crab-like movement, and are not only throwing away the people's money, but are doing so in a way which will be attended with the greatest political disadvantages. Does this Convention give the right to receive the interest at the Bank of England; and, if so, who is bound to satisfy that right? Failing the Sultan in the first instance, then who is bound to pay? In asking this, I disclaim all intention of casting any imputation on the good faith of Turkey; but there are many circumstances which may render her unable to pay, and then the whole of the liability will be thrown back on us. Is it, then, the case that under this Act the British Government will be bound to pay the whole of the interest out of the Consolidated Fund in the event of there being no remittance from abroad? I believe this is so, and I do not complain of it, for up to this point the Bill is in conformity with the terms of the Convention. But is there any similar liability on the part of France? Is there created any right for the creditors to go to France at all? If the creditors are not entitled to go on the French guarantee, where is the joint and several liability? It is the very essence of such a liability that it should attach to both parties alike. But, if you are making an arrangement by which the creditors of Turkey can come on you, and no corresponding power is given to them to come on the French Government, then you are contradicting the first article of the Convention, and the guarantee is not made jointly with the Emperor of the French. The words of the instrument are that the creditors should apply to the Bank of England, and it is an abuse of language to call this a conjoint guarantee. This being so, the real state of the matter is, we are guaranteeing a loan for which Turkey is liable in the first instance, England in the second, and France in the third; so that, by this arrangement, the English Government stands in file of three, with Turkey in her front and France in her rear. Two sets of rights grow out of this position—rights against Turkey in the first instance, on the supposition of her not being able to pay, or on being hindered from so doing; and rights against France, to arise in case of our having been called upon to make good the default of Turkey, and on our not having been recompensed by France. I want to know the definition of the rights thus to be created. Are we to hold rights in common with France, or are we to be entitled to exercise them separately from France? You bring in an instrument, the phraseology and provisions of which contradict its fundamental provisions, and you are bound to tell us the view which the legal advisers of the Crown take of the rights to be created under the instrument. Supposing, after peace is concluded, Turkey fail to pay, and that one of the two Governments thinks that she is able to pay, while the other thinks she is not, is Government A, who thinks that she is able to pay, entitled to go against Turkey, although Government B may think that she is not able to pay? Are we to understand that England and France are to have a clear and independent right of taking the measures which they may think fit for the enforcement of the guarantee? If we stand as we do between Turkey and France for the payment of the interest, it follows that we also stand between Turkey and France in the matter of reimbursement, and France's rights of recovery are placed in a most awkward position, for France would either have no power of recovering, or her right would be liable to perpetual dispute. We must know from the law officers of the Crown whether France and England are united as to the views of their rights; it is useless for the Solicitor and Attorney General and the Queen's Advocate to tell us what we are entitled to do against France under given suppositions, unless they at the same time tell us that these matters have been duly considered by the two Governments, and that they have agreed upon them. Even the conjoint guarantee contemplated by the Convention would be liable to the greatest difficulties. Suppose that this country was desirous of obtaining Egypt as a security for its guarantee, and France was equally desirous of obtaining that province for its security, how would their respective claims have to be settled? I do not say that such a desire exists either on the part of this Government or on that of France, though there is a strong feeling that such is the case both in America and on the Continent. I remember some time ago that an American gentleman of high position, in the presence of my noble Friend, was making a defence for his country against the charge brought against it of an unscrupulous desire with regard to the acquisition of territory, and he summed up his defence by saying, "Brother Jonathan takes after Brother John;" and this is the feeling which is prevalent both in America and on the Continent. If, however, you provide in a treaty to have the revenue of a given province as a security for your guarantee, no one can have a right to charge with ambitious designs the Government which occupies that province. If such a charge were brought, of course we should point to our Convention, and say, what is the use of impounding the revenues of Egypt, unless such an arrangement was to be in the nature of a mortgage, and to have the powers incident thereto? If, as I believe, it is contemplated by this Convention to occupy Smyrna, Syria, or Egypt, I want to know how the respective rights of the parties are to be settled? Are we to have the right of occupying Egypt without consulting France, or is France to have the right to do so, without consulting us? Has there been any communication between the two Governments on this subject? If there has not, then I regard such neglect as most culpable and full of danger, and I will liberate my mind and conscience from having anything to do with this question. I will merely raise these points, and it is your business to provide against them; but if you do not choose to do so you decide on the course you will adopt by exercising your own supreme and authoritative judgment with which I have no right to interfere. I trust that the Government will answer the questions that I have put—it will not do to meet them with general words, however magniloquent they may be—or to say that this is a question which must not be obstructed by small quibbles—or that it affects the confederacy of Europe, the balance of power, or the integrity of Turkey. The efforts which I make may be fruitless, or I may be wrong in what I have stated; and, if I am, I am sure, judging from my experience, that there is no man more capable of exposing the errors into which I may have fallen than the Solicitor General, for what mortal man can do he can and will do in this respect. But my questions must not be met by mere political declamation, for I assert that if you are going to create positions which are entirely new, and new relations, it is your duty to give us clear definitions of those rights, and the remedies you propose by which we are to obtain those rights, should we be placed in position to demand them.

VISCOUNT PALMERSTON said, he really was not prepared for the speech of the right hon. Gentleman. He certainly understood that there was to be no discussion upon this stage of the Bill. He did not, however, mean to say that he had any right to complain of the course taken by the right hon. Gentleman. But from what had passed the other night between the right hon. Gentleman and his right hon. Friend the Chancellor of the Exchequer, he (Viscount Palmerston) expected that the right hon. Gentleman would not have raised these objections in Committee on the Bill. The Government had appointed other business for discussion that night, and a great many Gentlemen had come down to the House under that impression. He would, therefore, under such circumstances, ask the Chairman to Report progress.

MR. GLADSTONE said, he was sorry there should be any misapprehension upon this subject. He would greatly regret being the occasion of it. He was not then contending against the policy of the Bill; but the construction of the measure. He certainly intended to have addressed the Speaker, and he came down to the House for that purpose. He, however, found Mr. Fitzroy in the chair at five minutes after twelve o'clock. If it were more convenient to have this explanation given upon a future stage of the Bill, he would offer no obstruction to such an arrangement.

MR. TITE said, that he had been so pointedly alluded to by the hon. Gentleman that he felt bound to say a few words. He did not see what the present question had to do with administrative reform, or what the right hon. Gentleman meant unless, inferentially, to blame him for the vote he had given to the Government on a previous night. In explanation of his vote, he might say that he was not only desirous of placing "the right man in the right place," but also of doing the right thing at the right time; and he felt that they were doing so by granting assistance to Turkey at the present moment, and he had, therefore, voted for the Government.

The CHANCELLOR of the EXCHEQUER was ready to follow his right hon. Friend. He had all the papers before him, and could answer all the points raised, but as he understood he would best consult the convenience of the House by doing so he proposed to fix the Committee for six o'clock, to be taken after the other orders.

Mr. MILNER GIBSON asked whether there would be any objection to place on the table the correspondence which had taken place between the Government and the Governments of Turkey and France, with respect to this Convention?

The CHANCELLOR of the EXCHEQUER said, the only Convention there was, was that which had been already laid on the table—that between the Governments of France and England and the Government of Turkey.

Mr. MILNER GIBSON meant the correspondence—the original request of the Sultan for a loan, and the subsequent correspondence on the subject.

Viscount PALMERSTON: Of course the correspondence between Turkey and this country could be produced, but not the correspondence between Turkey and France. He would communicate with his noble Friend the Foreign Secretary, and learn if the former could be produced.

Mr. J. L. RICARDO wished to know if there was any correspondence with respect to the distribution of the money in Turkey. He understood that there was a supplementary Convention.

Viscount PALMERSTON said, he would consider about that also.

House resumed.

Committee report progress; to sit again *this day.*

LIMITED LIABILITY BILL.

[*Progress, 26th July.*] Order for Committee read.

House in Committee.

Clause 1 (Mode of obtaining limited liability by future Companies.)

Mr. WILKINSON proposed to omit the words, other than an Insurance Company."

Mr. BOUVERIE opposed the Amendment, and said that banks were excepted, because our whole legislation with respect to banks was of an exceptional character, and, with respect to Insurance Companies, they were at present able to protect themselves and to limit their liability.

Mr. HENLEY thought that the right hon. Getleman had not at all touched the principle which he had been asked to explain. As to a Bank of Issue, no such bank could now be set up at all, and therefore the observation as to that was quite inapplicable. But the right hon. Gentleman had not at all attempted to go into the question why a bank should have more liability than a coppersmith or any other tradesman. As to Insurance Companies, it was said that they evaded the law by an agreement; but he wanted to know why they should be driven to a special contract to evade the law? If they were to have free-trade, there ought to be no exceptions and no restrictions. If the principle was good in itself, why should it not be good for a bank?

Viscount PALMERSTON observed, that there was a distinction between banks and the Joint-stock Companies contemplated by this Bill. A Joint-stock Company was an association of individuals who collected together their capital to be employed in some profitable undertaking. The functions of a bank were altogether different. A bank was a being in whose custody we deposited our money for safe keeping, and its duty partook of the nature of a trust. The fundamental function of a bank, therefore, was the safe custody of other people's money; but the fundamental function of these associations was the active employment of their own money. This constituted a distinction in the very nature of the two things. It was quite clear that when persons deposited their money in a bank for safe keeping, they were entitled to a greater amount of security from the persons constituting that bank than a mere creditor was against his debtor in matters of ordinary trade. In other countries where limited liability was adopted as a general principle, banks were excepted; and, therefore, it was thought right to except them as well as Insurance Companies from the operation of this measure.

Mr. HENLEY did not see why banks, because they were used for deposit, should be excluded from the Act. If a foreign merchant sent over 100,000*l.* worth of sugar or coffee for sale to a merchant here, that also was matter of deposit.

Viscount PALMERSTON: That was agency.

Mr. HENLEY: Yes; but he supposed that there might be Joint-stock agencies as well as Joint-stock Banks, and such agencies might be carried on under this Bill.

Mr. CARDWELL complained that a new principle had been introduced by the noble Lord, different from that which was affirmed the preceding day. Yesterday they were told that they had nothing to do but to trust to the principle of *caveat creditor;* but now they had heard that the creditor who deposited his money in a bank required especial protection; and the same exception was also to be extended to Assurance Companies. So far as he comprehended the argument, it was this, that a bank was to be exempted from this Bill because the business of a bank was of a different kind from that of a trader, and because it was merely a depository of money, which money was always ready to be returned on demand. But how did this apply to Assurance Companies? No doubt there were specialties in the business of banking and also other specialties in the business of assurance, but to all trades and to all branches of commerce the great principles of credit equally applied. The principle of this Bill, then, it appeared, was to be that there must be safeguards, and that people must not rely merely on the principle of *caveat creditor.* That was a most important admission to obtain on the very threshold of the debate. But still he did not see how this applied to Assurance Companies. If it were true that they were already within the principle of limited liability, why refuse to bring them within the purview of the Bill? He should certainly vote in favour of the Amendment.

Mr. COWAN thought it extremely unwise at the end of a Session that a measure of this description should be persevered in, and which, if passed, was not likely to command the confidence of the country. He hoped the Government would withdraw this and the Partnership Amendment Bill, to which he had a still greater objection.

Mr. BRAMLEY-MOORE said, that under this Bill for limited liability, a man might be a bankrupt in one street, and a wealthy merchant prince round the corner in another concern, and that this was irreconcilable with sound morality. It was equally important to protect the public as well as shareholders in Companies, and he would call the especial attention of the right hon. Gentleman the Vice President of the Board of Trade, not to permit Assurance Companies to be brought under the operation of this Bill. No Life Assurance Company could tell whether or not they were solvent, in a less period of time than ten or twelve years; consequently, it was a delusion for a Company to go on dividing profits or paying dividends during the first year of its existence. A Company with a small capital might make large dividends for the first few years—in fact, receive back their capital two or three times over, and then when demands were made upon them they would find shelter and protection under the law of limited liability. Take the case of a man who insured his life to make provision for his family at his death, he paid the premium for ten or fifteen, or twenty years, as the case might be. The Company had had a prosperous time, and during this time had divided large sums in bonuses and dividends — the lives now began to fall in—claims were heavy—the capital was swept away—the assured were left without redress, and the shareholders remained with the dividends and bonuses in their pockets! This had happened over and over again where limited liability existed.

Limited liability existed throughout the United States of America. The following was the result of one year's experience, taken from an American publication of repute—*Palmer's Almanack:*

In 1841, there were 33,739 bankrupts; 1049,603 creditors; 440,934,615 dollars in debt: the property surrendered amounted to 43,697,307 dollars—but when this came to be realized, it did not produce an average dividend of 1 per cent. The dividends realized in the different States, were as follows:—State of Maine, ½ a cent in 100 dollars; Michigan and Ohio, ¼ cent in 100 dollars; New Jersey, 4 cents in 100 dollars; Tenesse, 4½ cents in ditto; 1 cent in Maryland; Mississippi, 6 cents in 1,000 dollars; Kentucky, 8 dollars in 1,000 dollars; Illinois, 1 dollar in 1,500. In Pennsylvania—East Virginia — South Alabama, and Washington, there were no dividends at all.

Viscount GODERICH: What year was that?

Mr. BRAMLEY-MOORE: The year 1841.

Mr. WILKINSON: Were these limited liability partnerships?

Mr. BRAMLEY-MOORE: The return contained partnerships of all kinds.

Limited liability for losses with unlimited profits was dishonest, and calculated to provoke and encourage over-trading—and the professed object of this Bill was to check and prevent over-trading. The credit of England, where limited liability does not exist, stood higher in every part of the globe than any other nation; and this was the secret and simple reason why London was made the grand focus and centre for exchange operations from every part of the world. The Americans, who were so acute where dollars were concerned, were compelled to have credits in London, wherewith to pay for their tea in China, and sugar and coffee in Brazil. Take the case of a London Joint-stock Bank, which had been dividing 25 per cent per annum in dividends and bonuses. In four years the shareholders got their entire capital paid back. Suppose, then, at the end of this time the bank failed, was it right, just, and honest, for the shareholders to be allowed to keep these dividends and the creditors to be left in the lurch? Sound policy, and sound morality declared against the measure.

MR. BOUVERIE said, he did not understand the force of the statement of the hon. Gentleman, because it happened that he knew a country where the principle of limited liability was not acted upon, but where losses to the extent of not less than 50,000,000*l.* sterling had been sustained in the course of one year by insolvency and bankruptcy, and that country he begged to tell the hon. Gentleman was England. He did not believe that the proposed change in the law would make any difference in the amount of insolvencies or bankruptcies. Whether limited or unlimited liability were the law, there would always be a number of persons incapable of managing their affairs. It should, however, be remembered that, to a certain extent, a burden would be attached to Companies acting under this Bill. They would be required to pay up a certain amount of their capital, and that would operate very onerously in many cases. It was said that the Bill would give rise to a great deal of fraud. He did not doubt it, nor did he expect that any law would be able to prevent fraud. Those who were disposed to cheat would always find loopholes enabling them to impose on those who were ready to be gulled. He did not think that any ground had been stated for excluding Insurance Companies from the operation of the Bill.

MR. LOWE supported the Amendment. No answer had been given to the question why Insurance Offices should not come within the operation of this Act. The principle of the Act was, that the people were the best judges of what was good for themselves; and if Assurance Offices choose to come and pay up 20 per cent of their capital, why should they be precluded from doing so, and partaking of the benefits of the Bill? He objected to any exceptions from the general law.

MR. HENLEY said, the exclusion of Insurance Companies from the Bill showed the distrust of the Government in the operation of their own principle.

MR. M'CANN said, it had been laid down by the hon. Gentleman the Member for Wick (Mr. Laing), on a former occasion, that a man was the best judge of the disposal of his own money. If that were so, he did not see why Parliament should interfere against hells and gambling houses.

MR. GLYN said, that Insurance Companies had transactions in reference to contingent remainders, which extended over a very lengthened period, and were for the benefit of persons not even alive at the time; and he would ask, ought not such parties to have some special securites thrown around them to protect them from loss? It was a question whether there ought not to be liability to the greatest extent, instead of limited liability, in Insurance Companies. He thought that Insurance Companies should not be included in the act.

MR. LLOYD DAVIES: The question was whether, if they omitted Insurance Companies, those Companies could not still go on on their present system. He thought they should be allowed to come under the Act if they thought proper to do so.

MR. ARCHIBALD HASTIE said that the people of America, where the law of limited liability existed, were anxious to get rid of it. In Massachusetts it was the law that no bank should be established without first raising one-half of its capital; and the practice was for the parties to borrow the money and exhibit it to the inspector, who reported accordingly. Immediately afterwards the money was returned to the lender, and the bank was started without any money at all.

MR. SPOONER said, that all Insurance Companies enjoyed by their deed limited liability; and he wished to know whether, if they were brought under this Act, they would still have the option of continuing under the conditions of their deed?

THE SOLICITOR GENERAL said, that Insurance Companies did not obtain limited liability by their deed. It must be clearly understood that the principle of limited liability was not new to the English law. Liability only arose from the circumstance that every partner was considered to be the general agent of his partners; and if it were possible to limit that general agency in such a manner as to make every person with whom they dealt aware of it, there would be no general liability. Insurance Companies had the opportunity of doing that, for all their contracts being in writing, they had the option of introducing a provision expressly engaging for limited liability. The opportunity of continuing that practice would still remain to them, even if they came under the provisions of this Act. The provisions of this Act would not in the smallest degree supersede the general principles of the law.

MR. MONTAGU CHAMBERS remarked that the special clause in policies spoken of by the Solicitor-General had come into use in this way. A great Company started in Liverpool and in the City, called, he thought, the Sea Insurance Company, in which there were many shareholders who were in business. Some time after it was discovered that the Company was insolvent to the extent of 200,000*l.* or 300,000*l.* Unlimited liability attached to the shareholders, and many of them were suddenly astonished by finding themselves ruined because they could not pay the large amount of the Company's liabilities. As the law now stood liability was clearly limited by a special clause to the number of shares subscribed for; and the consequence of striking out the words might be to defeat the object of the Committee which investigated the subject.

Amendment by leave *withdrawn.*

VISCOUNT GODERICH moved, in Clause 1, line 10, to leave out "having a capital stock of the nominal amount of not less than 50,000*l.*, divided into shares of a nominal value of not less than 25*l.* each. The Bill as it stood was inconsistent with the argument that it was for the benefit of the many. It actually tended to create a new monopoly. The objection to the present law was that it supported monopoly; yet by this Bill they were going to give a monopoly in favour of Companies having a capital of 20,000*l.* He thought the limit must have been fixed in order to conciliate the opponents of the measure and with the vague idea of preventing fraud. No security was provided that the whole sum should have been paid up. The nominal capital of the Company must be 20,000*l.*, but all that need be actually paid was 4,000*l.* The Companies which would be excluded from the benefit of this Bill would, in his opinion, be safer than those who would participate in it. If the Government would not agree to his Amendment he trusted they would consent to that of his hon. Friend the Member for Lambeth, for fixing the nominal amount at 10,000*l.*

MR. W. WILLIAMS supported the Amendment, and considered that this proposed limitation of capital to the amount of 20,000*l.*, as a minimum, was the greatest defect in the Bill. He saw no reason why parties having a capital of 2,000*l.*, or even 1,000*l.*, might not carry on business highly beneficially both to themselves and the country.

MR. W. EWART remarked that one great argument which had been urged in favour of the Bill was, that it would afford facilities to small capitalists for the employment of their money, but "small" and "large" were relative terms. To some, 20,000*l.* would be a great undertaking, and so would 10,000*l.*, or even 5,000*l.* The principle of limited liability ought not to be confined to undertakings of great magnitude. Give to all classes the amplest knowledge of commercial affairs, and then leave them to themselves. All other modes of protection were false and vicious. He therefore agreed with the proposal of the noble Lord, which was strictly within the limits of the principle of the Bill.

MR. WILKINSON said, the effect of the limitation in the Bill would be to deprive the labouring classes of that power of investing their small savings which they ought to enjoy, and which would encourage among them habits of economy, foresight, and frugality.

MR. ARCHIBALD HASTIE said, the House having decided that the Bill should go into Committee, he felt it his duty to make it as efficient as possible. The limit proposed by the Government was quite inconsistent with free trade, and in its present shape the Bill would be a delusion upon the labouring classes.

MR. BOUVERIE objected to the Amendment proposed by the noble Lord, because there were a class of undertakings which it was not desirable to invest with the dignity and character of corporations. His noble Friend had lost sight of the Partnership Amendment Bill altogether, and it was the intention of the Government to meet the cases he contemplated by that Bill. The House, however, should provide that this Bill should not be made the instrument for sanctioning mere gambling bubbles. He was willing to admit that 20,000*l.*, was rather too high, and he was therefore disposed to accept the Amendment placed on the notice paper by the hon. Member for Lambeth, for fixing the amount at 10,000*l.* With respect to the amount of the shares, he was not disposed to reduce the amount to 10*l.*, but he was willing to consent to fix the amount at 20*l.*

MR. MITCHELL said, the opponents of the Bill were on the previous day called by the noble Lord (Viscount Palmerston) monopolists. Why should the House establish monoplists having a capital of 10,000*l*? The course taken by the Government was inconsistent with their professed opinions.

MR. HENLEY thought the argument of the right hon. Gentleman was fatal to any particular limit, nor did he see why any limit should be imposed. They were about to enter upon a new system by which persons of small means were to be enabled to do good for themselves; why then stop half way and baulk your own object? It would be much better to leave the parties to take care of themselves, to look at the nature of the undertaking, and to consider the means they possessed to employ upon it, than to have any limit at all.

THE SOLICITOR GENERAL was of opinion that the Amendment would be inoperative, because it was impossible to establish the principle of limited liability without a registration of the shareholders, which would show the amount of their shares and of their liabilities. The very object of the Bill was to define each man's liability, and this must necessarily state the aggregate amount of the capital to be invested. If, therefore, the Amendment were to be adopted, it would run counter to the whole principle of the Bill. He would entreat his noble Friend not to press his Amendment.

MR. CARDWELL said, that, without doubt, there must be some specification of the shares; but nothing was easier than to deal with them. But the Committee had a great principle before them for consideration. He had always understood that the object of those who were friendly to the Bill was to establish a new system and wed together labour and capital, in order that persons of small income might have the power of combining their capital for the purpose of carrying on useful branches of trade. The Solicitor General, however, said that the Bill was only contemplated for undertakings of great magnitude. On the contrary, the object of the Bill was to enable small capitalists to aggregate themselves for all useful purposes—and there were many useful porposes which did not require a capital of 10,000*l.* The argument used by the supporters of the Bill was, that it radically destroyed monopoly; but he contended, if this Bill were passed, limiting the amount of capital to be invested to not less than 10,000*l.*, that, so far from cutting up monopoly, they would be creating monopolies which were at present unknown to the law. This Act would throw into the hands of any person who could command 10,000*l.* a monopoly which he could not at present enjoy, and would inflict the greatest injustice on all those who were not able to command that amount of capital, That, however, was not the only injustice which the Bill would perpetrate. The persons who would furnish the capital of 10,000*l.* would be those to whom the loss of such a sum would be a small matter, provided it brought them into competition with the humbler capitalists, and had the effect of beating them out of the field. He would, therefore, warn the small traders to be very circumspect in accepting such a Bill as this; the effect of which, he believed, would be to enable the large capitalists to monopolise the whole of those trades in which the money of the humbler classes might otherwise be invested. With regard to those great capitalists who had seats in Parliament, he begged here to remark that he was ashamed to hear the sneers which had been cast upon those men, as if they came down to this House only to promote their own interest. It was with pain that he had heard reference made, in the course of these debates, to Lord Overstone, whose high character it was impossible for any man to impeach. But those great capitalists, against whom these sneers were directed, were having a mighty rod prepared for them by which they would scourge the small trader if this limitation of capital should be maintained. The power of that limitation would enable them to inundate the small capitalists, who would be utterly unable to contend with the competition which would be brought against them. But if there were no limitation, and the law was made equal to everybody, whatsoever might be the amount of their property, then the people might have the advantage—though of course never equal to that which wealth would command —of a legislative enactment like the present. At all events there would be one uniform law, and the Legislature would not be responsible for any advantages which one class of the community might enjoy over another.

VISCOUNT PALMERSTON said, that nothing was so admirable as the zeal of a new convert, and he was sure his noble Friend who proposed the Amendment must be nearly in a state of ecstasy at having received the support of one of the most zealous advocates of unlimited liability. But with all deference, he thought there were reasons, without at all involving the general principles upon which the Government had recommended this Bill, why they might reject the particular proposal which had been made by his noble Friend. He had already contended that this Bill was founded on the principle of free trade, and he still maintained that doctrine; but it was also founded upon another principle. It was proposed to give to those associations which it was intended to create by this Bill that character which the law now gave to Joint-stock Companies. They would be invested with a corporate character, and have the privilege of suing and of being sued. They would have a corporate seal, and would not be simply an aggregation of individuals, but would possess legal privileges, and be distinguished by legal conditions. If, then, there were to be given to a number of individuals this corporate character and those legal privileges, there should at least be some monetary evidence of their existence; and he thought that a capital of 10,000*l.*, while it would be quite sufficient to show that it was a real and *boná fide* body, was not too much to require in order to entitle it to be recognised as a Joint-stock Company. But to confer such privileges and conditions on a set of persons whose shares were merely nominal, and whose capital might not exceed 20*l.*, would really be bringing ridicule upon all corporate bodies. The right hon. Gentleman the Member for Oxfordshire, had stated an instance on which he had founded an argument. He said it was once wished to establish a gas company in a village, but which would not require so large a capital as 10,000*l.*, and therefore this Bill would preclude any such Company from being formed. He (Viscount Palmerston) did not admit the force of that argument, because it should be recollected that, although it was a condition of the Bill that the capital should be 10,000*l.*, yet the shareholders would not be compelled to pay up more than 10*s.* on each share of 20*l.*, making only 1,800*l.* in the whole. He therefore thought that a capital of 10,000*l.* was not too large. He would mention a case in which the want of this principle of limitation had been severely felt, and had been producing very extensive injury in the north of Ireland. There was a district where there was a great extent of coal and iron. Some persons took a lease of that district; their capital was not sufficient to enable them advantageously to work the district. If they had been able to do so the counties of Roscommon, Leitrim, and Sligo would have derived immense benefit from it. Well, they could not get the money required. They tried to obtain a charter of limited liability, but they invariably failed. They were told to go to Glasgow and raise money; but the Glasgow men said, "No, you cannot give us sufficient security, and, unless you do so, we will not lend the money." They did not like to go tied hand and foot into the power of the Glasgow or Liverpool speculators, and consequently this had retarded the development of the prosperity of Ireland. This Bill would set them free, and they would be able to obtain from the small farmers and others such an aggregate of capital as would enable them to work with advantage. With regard to poor people, when his hon. Friend had brought in his Partnership Bill, that would meet their case, and would enable the smallest contributions to be given to one person who would represent the concern, so that the two Bills would meet every purpose. He certainly thought it would not be advisable to adopt the proposal of the noble Lord, though he was prepared, as had been stated by his noble Friend, to reduce the amount of capital from 20,000*l.* to 10,000*l.*

MR. LOWE was anxious to call to the attention of the Committee that that which the noble Lord and the Solicitor General termed an absurdity already existed, and that a Company with 1*s.* 6*d.* shares and 20*l.* capital could be registered under the Joint-stock Company's Act and become a corporation. As this was so, he saw no reason why they should seek to narrow the limits of the present Bill, or seek to interfere and do that which they did not do with regard to corporations. As to the amount of capital, he maintained that, instead of a small capital being the badge of fraud, a large capital was so. He thought also, that experience showed that the shares had better be small, as the Joint-stock Companies ought to be ready-money concerns; and, when the shares were small it was more likely that they would be paid up at once and the concern carried on on *bonâ fide* principles. For these reasons he felt bound to support the Amendment of the noble Lord.

LORD JOHN MANNERS said, that they had had, on very high authority, a definition of respectability, which consisted, it was said, in keeping a gig, and the noble Lord (Viscount Palmerston) had given them a definition of "reality," which was 10,000*l.* He (Lord J. Manners) ventured to assert that neither of these definitions was based upon principle. He thought that if the present Bill was based upon principle, there ought to be no limitation either of the amount of capital or shares, and he should, therefore, support the Amendment of the noble Lord.

VISCOUNT GODERICH said he should press his Amendment to a division. His proposition had received the support, not of one class, as the noble Lord at the head of the Government implied, but of the whole Committee.

THE SOLICITOR GENERAL had found it impossible to provide machinery for carrying out the Bill without fixing the capital at a considerable amount.

MR. HENLEY thought the objection of the hon. and learned Gentleman was unfair to the noble Lord. The noble Lord had raised a great question of principle, and if his Amendment were adopted it would be easy to provide suitable machinery.

MR. COWAN moved that the Chairman report progress.

MR. MONTAGU CHAMBERS said, if the Bill passed in its present form it would be a fiction and a delusion, and he should vote for the Amendment.

MR. SPOONER disclaimed the imputation of the noble Lord (Viscount Palmerston), that he was a convert. He was no convert, but was as much opposed to the Bill as ever. On the ground of consistency, however, he felt bound to support the Amendment.

The Committee were about to divide, when

VISCOUNT PALMERSTON said, that he would not trouble the Committee to do so; and the first part of Lord Goderich's Amendment was agreed to.

MR. BOUVERIE said, that although he had agreed to the omission of the words "down to and including 20,000*l.*," yet he would not agree to the omission of the words "with respect to the nominal amount of the shares being 25*l.*," though he was prepared to reduce that sum to 20*l.*

VISCOUNT GODERICH said, that he would take the sense of the Committee upon this question, and moved the omission of the words, "divided into shares of a nominal value of not less than 25*l.*

MR. CARDWELL said that, if the Amendment of the noble Lord were carried, there would be no definition as to the value of the shares inserted in the Bill. He thought that the conclusion was most salutary which had been come to, that the amount of capital should be left to the discretion of the Companies; but he thought that, in order to prevent fraud, it would be requisite to limit the amount of the shares, though he thought 25*l.* was much higher than was necessary for such a purpose. He felt, under these circumstances, compelled to vote against the Amendment of the noble Lord.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided:*—Ayes 88; Noes 34: Majority 54.

House resumed.

Committee report progress.

ORDNANCE INVENTIONS—QUESTION.

MR. W. EWART inquired of the Clerk of the Ordnance whether satisfactory progress continued to be made in mechanical and other inventions laid before the Select Committee of the Board of Ordnance, with a view to shortening the duration of the war.

MR. MONSELL replied that 974 projects of inventions in all had been laid before the Committee during the last twelve months, of which 696 had been rejected, and there still remained for trial 123. The Select Committee was divided into five sub-Committees, on which many men of scientific eminence were engaged.

These were working very hard to carry out some inventions which had been considered and approved of; and of the remainder, some were in the hands of contractors, and he trusted might be successful, and lead to results having a favourable influence on the prospects of the war.

MILITARY ORDER OF MERIT—QUESTION.

LORD ELCHO begged to ask the First Lord of the Treasury, if the intention of instituting a new Order of Merit for distinguished services in the field, which was publicly announced by the Duke of Newcastle in the month of December, had been abandoned, and if not, what was the cause of the delay, and when it was probable that it would be instituted and ready for distribution?

VISCOUNT PALMERSTON said, it was the intention of Government, as soon as possible, to issue the regulations of the New Order. The only cause of the delay that had taken place had been, that when they came to make detailed arrangements as to the practical test to be applied to the claims of private soldiers, and other matters of this kind, there had been found more difficulties in making satisfactory arrangements than had been anticipated; but he hoped that very soon those difficulties would be overcome.

IRISH GUARDS—QUESTION.

MR. VINCENT SCULLY asked the First Lord of the Treasury whether, having regard to the gallant conduct of Irish soldiers in the Crimea, Her Majesty's Government will recommend that a Royal Regiment of Queen's Irish Guards shall be embodied, with privileges similar to those enjoyed by the English and Scotch regiments of Grenadier, Coldstream, and Fusilier Guards?

VISCOUNT PALMERSTON: I can inform my hon. and learned Friend, that the matter to which his question relates, has been considered by Her Majesty's Government. Undoubtedly, we should be very desirous of making any arrangement which would be gratifying to the Irish, to whose services upon all occasions, more especially military—but that I need hardly say, because there never has been any difference of opinion on that point whenever and wherever they have been employed—but to whose services both by sea and land the Crown and country owes so much. But with respect to the particular method my hon. and learned Friend has pointed out, this is to be considered, that the Guards are a privileged body, and those privileges more or less place them in a position with respect to the rest of the army which gives rise to observation. We think that the privileged corps already bear as large a proportion to the rest of the army as is expedient, and we do not think that it would be advisable to increase the establishment of that body, but every endeavour will be made to induce Irishmen to enlist into the existing regiments of Guards. Those regiments should be considered as belonging to the United Kingdom generally, and not to England, Scotland, or Ireland in particular. They consist of men enlisted indiscriminately from all parts of the United Kingdom, and all the individuals belonging to them should be considered as having an equal share in the glories that may attend the services of those distinguished corps.

WIDOWS OF NAVAL OFFICERS—QUESTION.

SIR GEORGE TYLER asked the First Lord of the Admiralty, what steps the Admiralty has taken to extend to the widows of officers of the Royal Navy the boon which Her Majesty has lately conferred upon the widows of officers of the army, by extending the pension warrant, so as to create a special scale of pensions for the widows of officers who may die from illness contracted in the field. Also, whether it is true that the widow of the late Admiral Boxer has only been granted the ordinary pension for an admiral's widow, namely, 120*l.* a year?

SIR CHARLES WOOD was most ready to admit that no distinction ought to be made between the two branches of the service. The army warrant was not yet finally arranged, and therefore he could not say exactly what its terms might be; but the Board had every wish to give the highest pensions in their power to the widows of officers dying on service. With regard to the case of the widow of Admiral Boxer, it was true that, under the regulations, she would have only the ordinary pension of an admiral's widow; but there were other sources from which that pension could be increased, and he was happy to state that Her Majesty had been graciously pleased to take her claims into consideration, and acknowledge them in a manner which would certainly be satisfactory to the country.

THE ORDNANCE SURVEY OF SCOTLAND EXPLANATION OF LORD ELCHO.

LORD ELCHO said, that though he was unwilling in any way to interrupt the course of public business, he wished to refer shortly to a matter of a private nature, which arose out of a speech made the other night by the noble Lord the Member for Totness (Lord Seymour). He was not in the House the other night when the noble Lord made a speech on the Ordnance survey of Scotland, but when he returned to the House, he was told by an hon. Member that he ought to have been present, as the speech of the noble Lord was at least not complimentary to him. Although he spoke on that occasion, he could not reply to the noble Lord's speech, as he was not aware what he had said; but he trusted the House would indulge him on this occasion, as it was a matter which affected his personal character. What the noble Lord the Member for Totness (Lord Seymour) was reported to have said on that occasion was this:—

> "Nothing could be more absurd, or, indeed, more laughable, than the ground on which Lord Elcho had justified the twenty-five-inch scale. The noble Lord was, as they all knew, a large landed proprietor; and he had remarked with admirable *naïvete*, that he was of opinion with Lord Tweeddale, that it would be a matter of great convenience to the landed proprietors of Scotland if the survey was constructed on the scale of twenty-five inches to the mile. Of course it would. Not a doubt of it; but if it was to be done for the convenience of landlords, it was manifestly fair that the landlords should pay for it. A survey on so large a scale could only be of local service, and those only who had a local interest in the work should endure the cost. Why should the country be saddled with the expense of a scheme of survey larger than the country needed, and larger than that house approved of, and simply because this gigantic undertaking would be of service to landed proprietors?"

Now, it might have been possible that something absurd or laughable in what he had said or written might have occasioned this opinion in the noble Lord, for they all knew he was a man of a hilarious disposition and a cheerful countenance—and he might have been excited thereby; but he denied that, in anything which he had said or written, could he find any such ground or motive. The point of the noble Lord's speech was this, that he (Lord Elcho), being a large landed proprietor, had endeavoured to obtain a scale beneficial to himself as a landlord, at the expense of the rest of the community. That was a statement which he considered as reflecting on his character, and therefore he wished to show that the grounds on which he advocated that scale was not the grounds attributed to him by the noble Lord, but on the public interest alone. His first connection with this subject was in 1851, when he was Chairman of the Committee appointed to consider the subject; but his position did not exempt him from observation by the noble Lord, for, although he advocated the six-inch scale, yet the Committee were unanimously of opinion that, whatever advantages it possessed, they were not such as to justify the expense it would occasion to the community. He considered the question was one of great national importance, and that Parliament, before they pronounced a definite opinion upon it, ought carefully to peruse the Report.

LORD SEYMOUR observed, that the noble Lord was not present when he made the speech of which he complained, and he had not read through the whole of the remarks he made on the occasion, nor replied to the only point he (Lord Seymour) had advanced in reference to the noble Lord. He had never imputed to the noble Lord selfish considerations or a desire to benefit his own property at the expense of the country. That was out of the question. What he had intended to convey was, that the noble Lord, being a landed proprietor, felt with the general body of landed proprietors, and that the feeling if acted upon was disadvantageous to the tax-payers of the country generally. He was glad the noble Lord had brought this subject before the House, because there was one point connected with it to which he wished to refer. The right hon. Member for the University of Oxford, speaking on the subject on the 2nd of March, 1854, when he was Chancellor of the Exchequer, said that this was a great question, in which not hundreds of thousands only, but millions of the public money were involved; and that the question as to the scale ought therefore to be decided, not by the Treasury, but by the House. But had the House decided the question? It had never had the opportunity of doing so; and what he contended was, that that opportunity ought to be afforded. This statement was made by the Chancellor of the Exchequer on the 2nd of March, and so far from the question having been submitted to the House, the Treasury Minute was issued in July, ordering that Ayrshire and Dumfriesshire should be drawn upon the enlarged scale, and that until a final decision was come to, the system applied to those two counties should be applied to the other counties. Was that waiting for the decision of the House? On the contrary, it was begging the whole question, and involving the country in the large expenditure to which the Chancellor of the Exchequer referred. He was not the only person deceived in the matter, the noble Lord at the head of the Government was deceived also. He thought that Ayrshire and Dumfriesshire were to be the only counties surveyed. It was upon this ground that he had thought he felt justified in bringing the subject forward. But there was another point which the noble Lord, as a Lord of the Treasury, ought to have answered. There had been a twenty-five-inch scale survey in England, but who paid for it? The landlords of England themselves, by a tax upon the land. It was not paid for out of the public taxes. But was this all? He was accused of attacking the landlords. What said the President of the Royal Geographical Society in his inaugural address? He said, "I reassert that patriotism, in this instance, has merged in the desire to obtain local advantages." It was his (Lord Seymour's) opinion also that local advantages had been allowed to prevail over the general interests of the country, and that those local interests had had more influence at the Treasury than the interests of the public.

Mr. BLACKBURN said, the survey for Scotland had been postponed for upwards of sixty years, and that that country ought to have a scale at least as good as that which had been given to Ireland. He trusted the survey would be continued on the present scale until Parliament had finally decided what scale should be adopted, when it could be reduced to that scale.

Viscount PALMERSTON said, that the only map which it was intended to publish was on the one-inch scale, and he could assure the hon. Gentleman that there should be no unnecessary delay in its publication.

TURKISH LOAN BILL.

Order for Committee read.

Mr. WALPOLE: Before the Chancellor of the Exchequer commences his reply to the observations of the right hon. Member for the University of Oxford (Mr. Gladstone), I wish to put a question to him. I perceive that in the original Convention the word "*séparément*" occurs in three articles, but in the translation of the Convention laid upon the table the word "separately" is omitted in all the articles. Now, I apprehend that the legal effect of the Convention would be very different, according to the omission or insertion of that word. The Bill is framed upon the supposition that the translation is correct, and is not framed according to the original Convention. The recital of the Bill states that—

> "Whereas a Convention has been signed between Her Majesty, His Majesty the Emperor of the French, and His Imperial Majesty the Sultan, in which it was agreed as follows:"

And then follows the English translation of the Convention, omitting the word "separately" throughout, adopting the English translation, and not copying the original. The enacting part of the Bill, which purports to give effect to the Convention, makes it lawful for Her Majesty to guarantee, in conjunction with the Emperor of the French, the interest on the loan to be raised by the Sultan upon the terms and conditions set forth in the Convention. Now, the conditions of the Convention differ from the terms and conditions recited in the Bill which we are asked to pass, and which adopts the English mistranslation, or omission. I wish to ask whether Her Majesty's Government would be willing to amend the Bill in Committee by inserting the word "separately" throughout the Convention which it recites, and by following up that Amendment so as to make the enacting part of the Bill correspond with the Convention?

The CHANCELLOR of the EXCHEQUER: The understanding of Her Majesty's Government is, that the guarantee of England, as well as the guarantee of France, applies to the entire loan. I apprehend that the nature of the obligation contracted must be perfectly clear to any one who reads the Convention. The right hon. Gentleman raises a subordinate question as to the proper mode of translating the word "*solidairement.*" My right hon. Friend says that word ought to have been translated "severally" or "separately." I apprehend that, on the contrary, that word does not mean separately or severally, but conjointly, and that there is no word in the English language which could render literally the French word "*solidairement.*" In the original draught, prepared in the Foreign Office, the words "*conjointement et solidairement*" were, after inquiry, translated "conjointly and unitedly." It was remarked that the word "unitedly" was not exceedingly good English, and that it did not add to the force of the word "conjointly," and, therefore, it was thought that the word "conjointly" was the proper translation of the French phrase. My right hon. Friend (Mr. Walpole), who is a lawyer as well as a scholar, must know that the French word "*solidairement*" is synonymous with the phrase of the Roman law "*in solido*," and I maintain that the translation in the papers laid upon the table is the most faithful translation that could have been adopted. If it is thought that the enacting portion of the Bill might be rendered more clear by the insertion of other words, I am quite ready during the discussion of the clauses, to consider what would be the effect of such an alteration; but it must be observed that all the Government seek to accomplish is to enable Her Majesty to carry into effect the stipulations of the Convention, and I think no one who reads the treaty can entertain any reasonable doubt as to the effect of those stipulations. The guarantee is undoubtedly separate with regard to each contracting Power. There is an entire and separate guarantee on the part of England; there is an entire and separate guarantee on the part of France; so that supposing Turkey not to pay the interest on the loan, it would be an obligation upon England and France separately to provide for the payment of that interest. If England were to fail in the payment of the interest it would be the duty of France to pay the whole; if France were to fail in the payment it would be the duty of England to pay the whole. The obligation of each Power is entire as applied to the whole guarantee. [Mr. Walpole made a remark.] The French Government inserted the word "*solidairement*" in the treaty, and I have no doubt it expresses their idea more strongly than any term we could use. I may observe that the treaty concluded between England, France, and Turkey is in the French language, and with regard to our obligations with France and Turkey we are, therefore, bound by that treaty, notwithstanding any errors that may have occurred in the English version. The English copy of the treaty, is, in fact, a perfectly unauthentic copy, which we make for our own use. I will now endeavour, to the best of my ability, to reply to the remarks which were made at the morning sitting by the right hon. Member for the University of Oxford. He observed that the terms of the treaty into which Her Majesty's Government have entered with the Governments of France and Turkey have been unanimously condemned by this House; that no Member of the House has approved the terms of that treaty; that the principle of a guarantee was incurably bad, and that nothing could redeem it from the condemnation which it deserved. The right hon. Gentleman said that, on a previous night, he had called upon Her Majesty's Government, in consequence of defects in the arrangements into which they had entered, and which he had pointed out, to reconsider the terms of the treaty, and to enter into fresh negotiations. [Mr. Gladstone: No, no!] At any rate he called upon them to reconsider the terms of the treaty, and to endeavour to amend the arrangements into which they had already entered. The right hon. Gentleman further said that we had treated his advice with little respect, and that we had evinced no disposition to modify the arrangements which we had already made out of consideration to the universal opinion of the Members who had spoken. With regard to the question of reconsidering our arrangements—which, I think, notwithstanding the dissent of my right hon. Friend, must be regarded as identical with a fresh negotiation—it is clear that we could have no power to alter the terms of a Convention already concluded with France and Turkey. We could only modify those terms by entering into fresh negotiations, and obtaining the assent of France and Turkey to a modification of the terms embodied in a treaty the ratifications of which have been exchanged. Let the Committee consider the position in which we should have been placed if we had requested the French Government to reconsider the terms of the Convention. I find that the *Moniteur* of Friday the 20th of July, contains the promulgation of the law giving the French guarantee to the Turkish loan of 5,000,000*l.* The promulgation is signed by the President and Secretaries of the Chamber, and the article declares that the Minister of Finance is authorised, in the name of the French Government, and on the conditions set forth in the Convention of the 27th of June, to guarantee the loan. The French Chamber has actually adopted that law, which has been promulgated by the Emperor of the French; the promulgation has been made public in the official journal —the *Moniteur*—and the session of the Legislative Chamber has now, I believe, concluded. In what manner, then, could we have approached the French Government? What arguments could we have used to induce them to reconsider a Convention so solemnly entered into, and to which, with the full knowledge of the circumstances, we had ourselves so recently assented? I think the Committee will see that the course recommended by the right hon. Member for Oxford University offers obstacles which may fairly be deemed insurmountable. Then, as to the principle of the guarantee. The right hon. Gentleman says that the principle of a guarantee is incurably bad, and that, whatever we do, we ought not to guarantee the Turkish loan. I wish to call the attention of the Committee to the alternatives we had to consider if we had adopted the recommendation of the right hon. Gentleman, and had entered into a fresh negotiation with the view of modifying the arrangements we had made. In the first place, suppose we had resorted to the expedient of a loan. Is it likely that the French Government would have consented, in addition to the loan which they had advertised, to call for an addition of 2,500,000*l.* in order to lend that money to the Turkish Government? Are we ourselves in a position, now, after the engagements we made on contracting the loan in the spring, to go into the market to borrow 2,500,000*l.*, in order to advance it to Turkey? My right hon. Friend points to the example of the Sardinian loan, the treaty for which was signed when he was in office, and says it is a model which ought to have been followed by us upon this occasion. But let me call the attention of the House to the principle of that arrangement. This country agreed to advance 2,000,000*l.* to assist Sardinia in the prosecution of the war. Did France bear any part in that engagement? Not at all:—the whole of the burden of that loan was undertaken by the Government of this country, and it cannot be said that, as far as the entirety of the obligation was concerned, we divided it with our ally. But my right hon. Friend objects to our undertaking a joint guarantee. At all events, we have the good faith of a country upon whose good faith we may reasonably rely, in bearing with us half the responsibility of that loan; and the terms of the loan are not so high as we were compelled to pay when we had to raise money ourselves. But then it is said by my right hon. Friend, that it would have been preferable not to guarantee the loan with France, but to raise the money and give it absolutely to Turkey, and that then we might have avoided any subsequent diplomatic altercations. On that subject I differ altogether from my right hon. Friend. A guarantee is disadvantageous when it ends in becoming a loss. If you are never called upon to fulfil your guarantee, it cannot be burdensome. What would have been the effect of a gift to the empire of Austria of the two loans of 1795 and 1797? Two loans were raised in those years amounting to 7,500,000*l.* at 3 per cent. Those loans were raised by the Emperor, and guaranteed by England—both the interest and the sinking fund. The fund which was known as the Imperial Annuities was abolished, and the whole were incorporated with the funded debt of Great Britain, in 1824, by the 5 *Geo.* IV., chap. 9, and a sum of 2,500,000*l.* was at that time repaid by Austria. The loss to Great Britain, who guaranteed the loan, was about 4,000,000*l.* [Mr. GLADSTONE: And interest.] Yes, and interest. But Mr. Pitt by that loan secured the services of Austria as an ally during the war, and that was one of the means by which Mr. Pitt brought the great pecuniary power of Great Britain to bear against France during the wars of the Revolution and the Empire. No doubt, a loss accrued to this country by those loans; but it was not an entire loss of the money advanced, some portion, 2,500,000*l.* being repaid, and the utmost that can be said of that, which was, no doubt, very ruinous in a financial point of view, is, that what was a guarantee originally became afterwards, in fact, a gift and a subsidy. If that sum had been duly paid, it was impossible to say that any disadvantage would have accrued to England. At all events, this country recovered 2,500,000*l.*, and it is possible, moreover, that some benefit accrued to England from having assisted Austria in her need by her large funds. My right hon. Friend came at last to the question of separate liability, upon which he dwelt at some length. He says that instead of a joint liability we ought to have a separate liability, and that, if we engaged to enable Turkey to raise a loan of 5,000,000*l.*, the obligation of England should havo been limited to 2,500,000*l.*, and that of France to the other 2,500,000*l.*; and he thinks that some arrangement might have been made by which the loan might have been raised at the same rate of interest, without any difference of credit making itself manifest. [Mr. GLADSTONE expressed dissent.] I understood my right hon. Friend to say that, if the example of the Greek loan of 1833 had been followed, the evils of the present loan would have been avoided. The right hon. Gentleman opposite, too, also laid some stress upon the Greek loan. Now, I will briefly call the attention of the House to the history of the Greek loan, and I think I shall satisfy them, whatever the defects of the arrangement under consideration, that, at all events, in raising that loan, the interests of Greece were not very sedulously attended to. It was agreed, in the Convention between Great Britain, France, and Russia, and Bavaria, concluded at London, May 7, 1832, that a loan should be contracted by the Government of Greece, under the guarantee of Great Britain, France, and Russia; that the principal of the loan should not exceed 60,000,000 francs; that it should be raised by three instalments of 20,000,000*f.* each; that each of the three Governments should be responsible for one-third of the annual amount of the interest and sinking fund, the payment of which should be secured upon the first revenues of the Greek State; and that the several instalments should be raised according to the necessities of the Greek Government. The financial arrangements were exclusively made by the Greek Government, and the guaranteeing Governments did not interfere in raising the loan. The two Commissioners, one a Greek, the other a Bavarian, met at Paris, and contracted with Messrs. Rothschild and Co. in January, 1833, for the whole 60,000,000*f.* at one and the same time, and at one and the same price—namely, 94 for a 5 per cent bond. By this means the credit of England, France, and Russia were weighed out at the same rate. 40,000,000*f.*, being two out of the three instalments, were raised at once at that price, and the remaining instalment was also issued at the same rate of 94. In the beginning of 1833 the English 4 per cent stock was at 102, 103; the French 5 per cents at 101, and the Russian 5 per cents at 101. This loan must, therefore, have been very advantageous to the contractors. In August, 1836, about which time England guaranteed the remaining third of her third, the price of 3½ per cents in London was 100; French 5 per cents 108, and Russian 5 per cents 112. Now, it is material to observe the value in the open market of the three sets of Greek bonds guaranteed by the three Powers. The price of the English guarantee is from 108 to 112, the French guarantee 99, and the Russian about 88. Those who managed this loan for the Greek Government, guaranteed by the credit of the three Powers, contrived it so that, in the contract which threw all the credits together, that joint credit was lower than the credit of any of the three guaranteeing Governments, and the Greek Government lost the advantage of the comparatively high price of the English and French funds. And that is the arrangement which my right hon. Friend holds up as a model for imitation. For myself, I can hardly conceive a financial arrangement more ruinous to the State it proposes to assist, or less calculated to obtain the benefit of the guarantee afforded by those Governments. The right hon. Gentleman the Member for Midhurst (Mr. Walpole) misunderstanding some remarks I made, said that we asked the House to indicate the policy and explain the terms which it was expedient for the Government to require. I asked the House for no such assistance. What I stated was that we had submitted our plan to the House, and that we were prepared to abide by it; but that, if the House thought fit to reject the terms we had made, it was incumbent on them, before they proceeded to the extreme course of rejecting a Resolution framed in accordance with the Convention, distinctly to point out to us what course they thought preferable. The course we adopted was the simple one of doing what we were asked to do. We were applied to by the Turkish Government, in the first instance, to guarantee the 2,000,000*l.* which remained of the loan, in addition to the 3,000,000*l.* previously contracted for by Mr. Horsley Palmer and Baron Rothschild. The Committee is probably aware that two years ago a loan of 5,000,000*l.* was projected by the Turkish Government, of which 3,000,000*l.* were raised by contractors in England, and that about 210,000*l.* out of 280,000*l.* a year, the amount of the tribute of Egypt, was assigned as security for the payment of the interest of that 3,000,000*l*, leaving 70,000*l.* a year for the remaining 2,000,000*l.*, which were not raised. The first application of the Turkish Government to the Governments of England and France was to guarantee those 2,000,000*l.* upon the security of the remainder of the Egyptian tribute. To that request Her Majesty's Government acceded, and it was proposed in the first instance that the guarantee of England for one of these 2,000,000*l.* should be a separate guarantee, and that the guarantee of France for the other 1,000,000*l.* should, in like manner, be separate. This proposition was communicated to the Government of France, who objected to such an arrangement for reasons which they assigned, and who said it was desirable that there should be no separate guarantee ; but they would agree to an arrangement founded on the understanding that the guarantee should be joint. That arrangement Her Majesty's Government were prepared to carry into effect. Soon afterwards a communication was made to Lord Stratford by the Turkish Minister at Constantinople to the effect that the demands of the war upon the Turkish finances, as well as on those of England and France, were so large that it was not probable that the remnant of the loan would be sufficient to defray the growing expenses which were being incurred, and that it would be necessary for the Turkish Government to apply to us to guarantee a loan of 5,000,000*l.* The request of the Turkish Government was taken into consideration, and the Governments of France and England agree to guarantee an increased loan of 5,000,000*l.* on the same terms as those upon which they were to have guaranteed the smaller loan. That is the manner in which this arrangement has been entered into. We did what we were asked to do. We made the arrangement which the Turkish Government requested us to make, and the Turkish Government voluntarily tendered to us—the Governments of France and England—the security of the remnant of the Egyptain tribute, which had not been assigned as security for the former loan of 3,000,000*l.*, together with the customs of Syria and Smyrna. They did so of their own free will and mere motion, without any influence having been exercised over them, or any suggestions or applications having been made to them on the part of the French and English Governments ; and, therefore, there is no foundation for the suspicion of sinister motives in obtaining those securities which my right hon. Friend this morning seemed to impute to the English Government. My right hon. Friend asks what power is there of dividing the liabilities of England and France ; how are we to apportion our liabilities in the event of our joint guarantee being called into active operation? I will state the arrangement which has been made ; I believe that arrangement to be satisfactory and complete, and, although I may fail in obtaining his assent to it, I am not afraid of submitting it to the consideration of the House. It is clear that, although a guarantee may be a joint one, yet that the money, whenever it becomes due, must be payable somewhere. It has been undertaken on the part of the English Government that the loan shall be negotiated in London ; and the Government have come to an understanding with the Bank of England that, if necessary, they shall allow the money to be received into the Bank, so that the bondholders will look to the Bank of England to receive their interest. In the event of the guarantee being called into activity by the failure of the Turkish Government to resist the necessary funds, it will undoubtedly be the duty of the guaranteeing Government of England to make good the deficiency in the first instance ; but they have entered into a separate agreement, by a separate instrument, with the French Government, that in such an event the half of all moneys paid on their behalf shall be repaid them by the French Government. The French Government have signified their readiness to enter into a specific undertaking to that effect. It is quite true that the place of payment is the Bank of England, but it is equally true that the place of payment does not determine the extent of the guarantee—it does not diminish the liability of France nor increase that of England. Supposing that Turkey fails to pay the interest of the debt, and that England also fails to pay it, no doubt would arise as to the obligation of France to make it good, and to take means for paying it to the bondholders at the Bank of England. The question of the place of payment does not in any degree affect the question of the separate and entire liability of each of the guaranteeing Powers. This remark will also apply to the question with respect to the translation of some words which I answered this evening. My right hon. Friend asks, what is to be our power of distraint? He wishes to know, in the event of Turkey failing to pay the bondholders, and of France and England being called upon to fulfil their engagements, what remedy we have against Turkey—whether we can seize the revenues of Egypt and distrain upon the customs of Syria and Smyrna? My right hon. Friend, who is so well versed in the law of nations as well as in all other questions relating to the theory and practice of politics, can hardly be serious in asking such a question with regard to an international compact. He knows very well that between nations there is no tribunal which issues writs of distress, or gives any power to seize the revenues of particular provinces. When you make a Convention such as this with a foreign Power, you can only look to the general good faith and to the readiness of that Power to fulfil its engagements ; you cannot take by treaty the power of entering and distraining the tribute of Egypt, and the revenue of the customs of Syria and Smyrna. You can only call on the Turkish Government to fulfil its obligations, and, if they omit or refuse to fulfil them, there is, unhappily, only one *ultima ratio* to which independent nations can have recourse, and that, I grant, is of very imperfect value for the purpose of enforcing a guarantee. Mr. Pitt did not go to war with Austria to compel her to fulfil her pecuniary obligations to this country. It is clear that it is not in the nature of things that the clauses of an act should give to the English Government any legal remedy against the Turkish Government in the event of their obligations not being fulfilled. In dealing with the semi-independent and partially dependent provinces of India, when we effect loans, or make subsidiary treaties, or pay military forces, we often do act in a somewhat irregular manner, in a manner which the European law of nations would scarcely justify ; we do seize provinces as security for the payment of debts ; but I am not aware that our practice in India, where we act as a sort of lord paramount, with a recognised influence, extending over the whole peninsula, could ever be pursued in our international relations with European countries. I have now, to the best of my power, explained the grounds upon which this Convention has been recommended to the House. I do not dispute that an arrangement of this sort, which has become necessary during the progress of a great European war, may be open to many objections, but it is necessary in the course of a war to incur many obligations which in a state of peace every man would willingly avoid. It is a true observation that war is a hard taskmaster, which compels every nation to submit to measures to which voluntarily it would not submit. But beyond that necessity to which every Government must bend in circumstances such as those in which we are placed, I see no reason for thinking that better terms than those now under the consideration of the Committee could have been obtained by Her Majesty's Government, or that a reconsideration, such as my right hon. Friend suggests, would enable us to amend the conditions into which we have entered.

MR. GLADSTONE: My right hon. Friend has covered a very wide field in the course of his remarks, and it is no action of mine if we are now involved in a discussion of a very large and general nature upon the features of this Bill. The object of my remarks this morning was not to raise at large the principle of this Bill, or to enter into any comparison between the policy of the measure and that of former measures of the sort. My argument was confined entirely to the terms, tenour, and construction of the treaty, and the effect of those terms upon the position of the relative parties to it. My right hon. Friend has entered at great length into a discussion of the Sardinian and Greek loans, and into a history of the proceedings which led to the present treaty ; he has gone into a number of details which would not have been out of place when he first introduced this Bill ; but when he comes to my argument as to the terms of the Convention, he passes that over in a few words, which show that he is entirely in the dark as to its purport. If I have not made myself more clear to the rest of the House than, as it seems, I have to my right hon. Friend, I must certainly express my regret that I should have so far wasted its time, for he appears to think that certain light, trivial, and even jocose topics are the only ones which arise out of those observations. He speaks of the Greek guarantee as having been an arrangement utterly wasteful of the public money, because that loan was raised upon terms much worse than the credit of any one of the three Powers who raised it. That is a very small question, and, indeed, I must complain that my right hon. Friend seems altogether to have taken a very small view of this subject, and seems to think that the only question worth considering was how we could have saved a few pounds in raising the loan. To my mind, the financial questions are utterly trivial and unimportant as compared with the political questions involved in this matter, and I have not the slightest objection, therefore, to make my right. hon. Friend a present of the whole of his argument relating to the Greek Loan, with this single observation, that I do not think that arrangement could have been so wasteful a one, seeing that it was raised at 94, while the Russian Five per Cents. were at 89.

THE CHANCELLOR OF THE EXCHEQUER: Both the French and the Russian Five per Cents. were at 101.

MR. GLADSTONE: Well, I do not pretend to be completely informed as to the financial history of that operation, and I willingly concede to my right hon. Friend the whole force of his argument on that point. He has spoken, however, of joint guarantees in a manner which shows that he looks upon them as matters of so simple and every-day a character that it really matters very little whether they are entered into or not; and as I, on the contrary, am filled with alarm at this arrangement, and as I trust that as it is the first so it will be the last of the sort to which this House will, under any circumstances and on any consideration, give its assent, I must take the liberty of pressing on my right hon. Friend the real danger of these guarantees, as to which he seems at present altogether in the dark. My right hon. Friend says that all we have to apprehend from an arrangement of this sort is that, if the worst comes to the worst, it becomes a payment instead of a guarantee. But that shows that he is entirely at the threshold of this subject. It is not the worst of a guarantee that if Turkey does not pay we shall have to pay for her—I had almost said that that is the best of it. The worst of this guarantee is, that all the guaranteeing Powers acquire a political hold upon Turkey, and if it were possible to put so dangerous a proposition into one form more dangerous than another, my right hon Friend has succeeded in discovering exactly which is the most dangerous, because he infinitely aggravates its perils by consenting to accept the assignment of special securities for repayment. My right hon. Friend, taking advantage of my ignorance of the legal part of this question, and quoting my language about "distraining upon Turkey," which of course I used merely for the purpose of illustration, is kind enough then to tell us that it is not in the clauses of an Act of Parliament to give one nation rights over another. Certainly, however we may be in the dark in these matters, I am persuaded that we are not quite so ignorant as to need that explanation to us. But, Sir, I throw aside the question of financial liability. As a financial measure this is a bad one, because it is delusive; it induces the people to sanction a guarantee under the idea that it costs them nothing. It is dangerous just as funding is dangerous, because by funding you enable the people to spend 20,000,000*l.* at a present expense of some 600,000*l.* or 700,000*l.* I can compare it to nothing but the argument which is used to the young spendthrift to induce him to spend his money on all sorts of useless articles —"I don't want you to pay, only give me your bill." Now, I am going to put one or two questions to my right hon. Friend which I put to him this morning, but to which he has given me no answer. In the first place, I wish to ask him—and if he does not answer me now I shall repeat the question again till I do get an answer—has the language of this Convention been approved by the law officers of the Crown? and, next, are the law officers of the Crown prepared to tell us what the legal construction of the Convention is; and does the French Government agree in the legal construction which they put upon it? These are questions which my right hon. Friend has entirely passed over, but to which I shall certainly expect an answer from Her Majesty's Government. My right hon. Friend said twice over that it was really impossible for any one to read the Convention without seeing at once what its meaning was, and what were the liabilities which it created. Here are the unfortunate consequences of a superior understanding, for that which is so clear to my right hon. Friend after a simple perusal is to me so obscure and so dark that I have not been able to understand it after the utmost application—nay, as it appears, with all the pains I have taken, I have not been able even to shape my questions on the subject in such a form as to make them intelligible to my right hon. Friend. What I want to know is this—having concluded your Convention in terms which constitute what you call a joint and several liability, how do you mean to apply the principle you have just laid down? I said this morning that I understood the essential characteristic of a joint and several liability to be this—that it is a liability which attaches precisely in the same degree and in the same manner to all the parties it affects. Am I right or am I wrong in that doctrine? for up to this time my right hon. Friend has not condescended to tell me. Until he does, or until I am set right by some one of the legal Members whom I see present, I assume that that is the nature of a joint and several liability; and I want to know, then, does the liability created under this Convention attach equally to all the parties concerned in it? I do not mean as between England and France merely; that is quite a different matter. I quite understand that, when the question comes into discussion between them, Her Majesty's Government will be entitled to ask France to take half of the liability; but France and England are not the only parties concerned. I must consider the relation between the guaranteeing Governments and the creditors who lend the money; and I want to know, is the position of the French Government the same as that of the English Government with regard to their liability to the creditors? In the Convention you indicate the particular place where the interest is to be paid, and in your Act of Parliament you create a power, which is also an obligation capable of being enforced against the Lords of the Treasury, by which they are to issue from the Exchequer the whole sum required to cover the interest of this loan. A complete obligation has, then, been created, I believe, partly by the Convention and partly by the Act of Parliament, in virtue of which the British Government is compellable to pay the whole interest of this loan. Has the French Government undertaken a similar liability? Is the French Government liable to the creditor, and can the creditor proceed against that Government under this Convention until he has been to the Bank of England and been refused? He cannot. Therefore, he is bound first to go against the British Government. He must first go to the Bank of England, and you, by your Act of Parliament, have created the obligation that the Bank of England shall pay him. You have authorised the Lords of the Treasury to issue the money that may become payable under the guarantee; but that authority is likewise, I apprehend, a full warrant to the persons entitled to the money to prosecute the Lords of the Treasury and compel them to issue it. There can be no question as to that. Then, I say, the position of the creditor is this:—he can go against the British Government, and can go against the British Government only. And here I do not found myself simply upon the fact that the money is payable at the Bank of England. If France has passed a legislative Act, which would have placed her Government in the same position as the British Government, I could have quite understood that the mere locality at which the money is payable might not affect the question. But France has passed no such Act at all; she has not rendered her Government liable to the creditor in the first instance. Nay, more, the matter does not simply stand in this negative state. My right hon. Friend tells us that the English Government have a kind of sub-engagement or collateral contract with the French Government, by which France is to remit to us half-yearly one moiety of the interest; but the liability of the British Government to the creditor is entire in the first instance. If, therefore, there is no remittance from abroad when the day of payment arrives, is it not the duty of the Commissioners of the Treasury to cause to be issued to the Bank of England funds sufficient to discharge the whole interest? It is; and that being so, I want to know whether there is any corresponding obligation resting on the French Government.

THE CHANCELLOR OF THE EXCHEQUER: The obligation of the French Government is undertaken by the law which I read to the House a short time ago.

MR. GLADSTONE: That law has not been laid upon the table of this House, as I certainly think it ought to have been. Nevertheless I have heard the terms of it, and they are these,—that the Emperor is enabled by this law to guarantee conjointly—that is, according to the condition of the Convention—but the Convention contains nothing that makes the French Government liable for the issue of the money. Its terms point out no executory machinery for the enforcement of his rights by the creditor. Your Act of Parliament, however, offers such facilities in the case of England, although there is no corresponding provision in regard to France. Therefore there is a complete machinery affecting England, and compelling the people of this country to bear the whole of this guarantee; while in the case of France there is no such stipulation, although there is, indeed, an agreement between France and you (which is a totally different matter) binding her to send the money to the Bank of England. You must distinguish the mutual relations between the two Governments from the relations between the two Governments and the creditor; for I am now examing the latter. I don't deny that the two Governments are made to stand, in the face of one another, on a footing of equality. What I say is, that the relations with the creditor are entirely different in the case of the two Governments. By the Convention and the Act of Parliament the English Government is made liable to the creditor; whereas the French Government is only placed under an obligation, constituted under an agreement, that we have not yet seen, to remit half the money to the British Government. I wish therefore to know from her Majesty's Government, whether they are prepared to say that the relative position of the two parties corresponds with the legal idea of a joint and several guarantee? Is the position of the British Government, in respect to its responsibility to the creditor, the same as that of the French Government? If this be not so, if the British Government lies under certain obligations to the creditor by the joint effect of the Convention and the Act of Parliament, to which there is nothing analogous on the part of the French Government, then I want to know whether the rights of the parties are identical, or whether they are different? Because, if there are two parties to this guarantee, and they stand in different attitudes, it is quite plain that the difference in their liability, whatever it may be, must be represented by a corresponding difference in their rights. If, as I believe, you are constituting a primary liability against the British Government, backed, it may be, by a collateral guarantee entered into by France towards England, then the British Government stands between France and the creditor; and, that being the case, I repeat that I wish to know—and I beg that my right hon. Friend will give me a distinct answer to this question—whether the rights of England and France, in respect to recovery from Turkey, whatever those rights may be, are identical in their nature? My questions therefore are, first, whether the liabilities of the two Governments to the creditor are identical? And secondly, whether their rights of recovery are identical? I do not think my right hon. Friend justified in treating jocosely matters relating to the rights of recovery constituted under a convention creating a joint and several guarantee. I have another question to ask him, and it is this,—have you any examples on record of transactions of this kind? What cases of treaty are there to be found in history where nations have given guarantees of a joint and several description like the present? If you have such instances, so far they will be in the nature of precedents, and they will afford ground for the presumption that there may possibly be principles of international law which are applicable to the rights of the parties. But observe, that you are now forming a partnership between England and France, a partnership, first, as to expenditure, and secondly, as to reimbursement. I want to know, under these circumstances, what law is to regulate the relations of the parties to that partnership? My right hon. Friend has not attempted to answer any of these questions. If I understood him correctly, he said that there was no right on the part of the Powers guaranteeing the loan on behalf of Turkey to occupy her territory in the event of her failing to make her payments. I would like to know what my right hon. Friend means by that doctrine? You have assigned to the British Government a portion of the revenues of Egypt and part of the customs duties of Syria and Smyrna as security. How, for instance, will your power over the customs of Smyrna affect the rights of the Turkish Government? Will the Turkish Government have the right to abolish or revise the customs' duties at Smyrna, or will it not? That is a point which I should like to hear explained by my right hon. Friend. Does he mean to assert that, if Turkey does not fulfil her engagement, the guaranteeing Powers are to have no right of occupation? He states, indeed, that there is only one *ultima ratio* between Governments, namely, force. So there is only one *ultima ratio* between our courts of law and the defaulter, namely, the turnkey or the sheriff's officer. But the question is, do these special assignments of revenue mean anything or nothing? Do they confer on you any rights whatever? If they do not, why then have you inserted them? If they do give you rights, what are those rights excepting those of occupation? If you tell us that these assignments mean nothing, and that no rights of occupation as against Turkey are conveyed by this Convention, again I ask, is France agreed with you in that view of the instrument? For I apprehend the source of all the evils of this unusual proceeding is, that you are creating a state of things wholly novel and unprecedented, and originating strange rights and relations which have not heretofore existed, which are not governed by any known and established principles, and with respect to which you have exercised no forethought in making some provision for the adjustment of questions that may hereafter arise. It is the duty of the executive Government to take precaution against the occurrence of such cases; and if some provision of this kind has not been made—and, certainly, up to the present hour we have not heard of any—it is incumbent on this House to point out such dangers as come into our view. And now, one word more before I sit down. My right hon. Friend says, "Look at the position in which we should have stood if we had gone to France and asked for a reconsideration of this Convention. In France, he states, the whole arrangement has been completely sanctioned, it has been authorised by the Emperor, and referred to the Legislative Chamber, which has given to it its assent; that assent has been published to the world, and was promulgated long before we were asked to give any vote on the question. Now, I wonder that my right hon. Friend could recite that chain of procedure without a twinge of conscience. In what position has he placed the Government by this state of the case? What is the Legislative Chamber of France? I don't mean to stand upon any mere individual opinion. But I say it is not a responsible body; and so conscious is the French Government of this, and so determined is it to keep this fact in full view, that you will observe, if you look into the Convention, the totally different language which, with a most marked and skilful application, is used in the two cases. The Queen of England undertakes "to recommend to Her Parliament to enable Her to guarantee;" and the Emperor of the French, on the other hand, "engages, subject to the ratification of the Legislative Body of France," to guarantee. This is a very remarkable circumstance, and, if you revert for a moment to the precedent of the Greek loan, you will find that exactly the same language is adopted in that case also. The King of England there undertakes to recommend the guarantee to his Parliament, and the Emperor of the French engages to guarantee, subject to the ratification of the Legislative Body; and the intention is to mark the ratifying function of the French Chamber as secondary to the functions of the English Parliament. This is not a case in which you are constituting equal liability, for you have constituted by your arrangement a scheme of liability, under which it is not denied that the English people are the parties liable and responsible in the first instance, that the French Government is the future resource. Under these circumstances, was it right, was it becoming, was it decent, did it show a proper regard for the office of the House, or a proper respect for the independent judgment of the House, that the parties who had a secondary share of the liability in the matter should seal up the whole of this transaction, and that Her Majesty's Government should come down here and tell us, "We are compelled, by form of law, to ask your assent, but you may spare yourselves the trouble of exercising your judgment, because prerogative prevented us from consulting you in the first instance, and policy precludes your exercising a free judgment now?" Sir, in my opinion it is a matter of absolute necessity that, under whatever pressure of circumstances, this matter should be thoroughly worked out and understood; it is absolutely essential to the welfare of the country that such transactions should not be repeated. If the House is to keep its position in the country and the constitution it must make it intelligibly understood that its discretion in such matters is to be respected, and that a more careful and judicious use is to be made of the prerogatives of the Crown in regard to the construction of Conventions. I was going to allude to something that has occurred elsewhere, and to certain comments which have been made on the conduct of the House by a colleague of the Government who has been addressing his constituents; but, as I hope to see that colleague in his place in a few days, I think it will be more convenient to wait till he has taken his seat, and then to call upon him to vindicate the language which he is represented as having used. Following the example of my right hon. Friend, I have been led into a general discussion; but what I want to know is the legal construction which is to be put upon this Convention, what rights and liabilities are created under it, whether the Government have considered those rights and liabilities of the guarantee, and what view they take in regard to its character?

The LORD ADVOCATE said, that he did not think there was the slightest difficulty with regard to the meaning of the Convention. He would no go into the financial part of the question, but he would simply say, that however the right hon. Gentleman might consider a guarantee more dangerous than a loan, and a loan more dangerous than a gift, yet in private and social life it was well known that many persons would give a guarantee in preference to making a loan, and make a loan in preference to making a gift. It should be remembered that in matters of this kind it was not always possible to choose the form of their arrangement. It was said that we were sure to get into diplomatic difficulties in this matter, because the guarantee gave a power over this country into the hands of the country for which she was bound. But did not a loan produce the same effect? He meant to deal legally only with the argument of his right hon. Friend, and he must say that he did not know that his definition of a joint and several guarantee was in all respects correct. A joint and several guarantee as against creditors, meant that each of the joint and several obligants was liable for the whole obligation, and that the creditors had a right of recovery against each and all of them. But his right hon. Friend said that there was a variance in the terms of the treaty with regard to the rights of the two parties; but although you might vary their rights as between each other by contract, yet the joint and several liability did not the less apply. In this case there was superadded to the joint and several liability an agreement that the Queen of England and the Emperor of France should fix a place for the payment of the interest on the loan, in order to save Turkey the expense attendant on its payment, and the place fixed was London. If that place had been fixed at Vienna, or at Brussels, there would have been an end of his right hon. Friend's argument, founded on the place fixed being the Bank of England.

Mr. GLADSTONE: I distinctly said, that that had nothing to do with my argument.

The LORD ADVOCATE: However that might be, the fact was, that if a creditor was not paid he might go against France as well as against England; and if he was a French creditor, which he might well be, he was entitled to go against the French Government, and was not compelled to come over here in order to seek his remedy from the English Government; for the liability was the same as against both. It might be more convenient for the creditor who did not get his money at the Bank of England to proceed against the English Government, but the liability of both Governments was the same.

Mr. MILNER GIBSON complained of the disadvantage under which the House laboured in discussing this question, in consequence of the Government not having placed before it the whole of the correspondence which had passed between England and Turkey and England and France in reference to this Convention. That inconvenience had been made manifest that evening, for the Chancellor of the Exchequer had referred to some communication that had been made by the Sultan of Turkey to Lord Stratford de Redcliffe, and a supplementary agreement between the Governments of England and France had also been referred to. The value of such references could not be ascertained until the documents were before them, and he did not think the withholding of them was consistent with the statement of the Government that they really wished Parliament to understand clearly the nature of the obligations which the various Powers were about to undertake. If there had been any difficulty with the French Government, and any delay in consequence, the discretion of Ministers being fettered, whose fault was it? What right had the Government to assume the consent of Parliament to a matter which referred to the taxation of the people? He contended that it was a principle beyond dispute that no Minister of the Crown could enter into a treaty with any foreign Power which entailed the expenditure of the public money except subject to the consent of Parliament; and that was a more valuable principle to stand by than even the integrity and independence of the Ottoman Empire, to which he preferred the independence and privileges of the British Parliament. No such engagement ought to have been completed and promulgated to the world without its having first obtained the assent of the British Parliament, for the Executive of this country had no constitutional right to place the Parliament of England under restrictions, and, above all, to deprive it of its discretion in matters affecting the taxation of the people. There was no constitutional writer who had not laid it down as most irregular and improper for a Minister to prejudice the opinions of Parliament in the matter of levying the people's money. To that privilege he would adhere; and he asserted that, if there had been any difficulty in raising the money, the fault rested, not with the House of Commons, but with the Ministers of the Crown, who assumed that they had the consent of Parliament without being certain of the fact. The Government now said that they were about to guarantee a loan to Turkey "on the terms and conditions set forth in the said Convention." What were those terms and conditions? So far as his experience went, when one country received assistance from another, in the shape of a gift, a loan, or a guarantee, it was customary for the country receiving the assistance to undertake to perform a definite obligation in return for the aid rendered. Now, he asked what the Government of Turkey had undertaken in consideration of the guarantee which England was about to give? "Carrying on the war with vigour." But what did that mean? It was an indefinite phrase, after all, and what one called "vigour" another called "apathy and neglect." He certainly could not help regarding the Convention as of a very one-sided character; and he confessed that he was at a loss to understand to what purpose the money raised was to be applied. Returns were to be afforded, showing how much of the 5,000,000*l.* had been issued; but there were to be no returns of the purposes to which it had been so applied, so that the House would have no security for the due application of the funds. He contended that Turkey should have undertaken some certain and definite course of conduct in return for this advance of money. The arguments of his right hon. Friend the Member for the University of Oxford had not been answered. There was no machinery for the creditor to recover against any other Government except that of England; he believed that the creditor would go to the Bank of England, and that he would never go beyond that spot; in fact, that this was an English loan, that it was to be negotiated in London, and that the interest was to be paid at the Bank of England. He could not admit, therefore, that the Chancellor of the Exchequer had fulfilled his promise that he would not raise another loan in England in the present year; because it was obvious that there was no difference between this and any other loan. His right hon. Friend the Member for the University of Oxford had alluded to one of the colleagues of the noble Lord at the head of the Government, and he (Mr. M. Gibson) could not help referring to the language of the right hon. Baronet the Member for Southwark (Sir W. Molesworth), in addressing the electors that day. He would take leave to call the attention of the noble Lord at the head of the Government to the language which the right hon. Baronet had employed, and to ask him whether, if he disapproved of that language, he would remind the right hon. Baronet that he had used expressions which were not becoming even a Member of Parliament, still less a Minister of the Crown? The right hon. Baronet was reported to have said, that if—

> "This war should end in a recreant and dishonourable peace, that peace will never be the work of my noble Friend (Lord Palmerston) or of Lord Palmerston's Government; but it will be the act of those factions who clandestinely combined the other night to break our engagement with France on the subject of the Turkish loan—I mean the Peace party, the Peelites, the more unscrupulous portion of the Opposition, and some few unreflecting Liberals who formed an ambuscade last Friday night to surprise the Government on the question of the Turkish loan."

Speaking of the right hon. Gentlemen opposite, and that "more unscrupulous portion of the Opposition," the right hon. Baronet the Member for Southwark said—

> "I therefore denounce the conduct of those men and their want of patriotism, as deserving of the severest censure and condemnation from all persons and all parties, who have the interest and honour of their country at heart."

He (Mr. M. Gibson) considered that that was not becoming language for a Member of the Cabinet to hold, and he asked the noble Viscount at the head of the Government whether he encouraged such a tone, and whether he considered that a Member of Parliament, expressing his opinion in that House and delivering his honest judgment, was to be charged, if he differed from the views of the Government, with dishonourable feelings and want of patriotism? He (Mr. M. Gibson) contended that the right hon. Baronet was not justified in making these foolish appeals to public faction, especially when he altogether misrepresented the facts of the case. The House of Commons was the sole arbiter in all questions of raising public money. That power had never been delegated to the Crown or the Crown's Ministers, and every man who valued the privilege of Parliament or the independence of the country ought to stand by the right of the House of Commons to exercise a free judgment in this particular. He hoped, therefore, that the noble Lord would administer to the right hon. Baronet the rebuke which he deserved, and that he would point out to him that that was not the mode by which the Government were likely to acquire the confidence of the country. One word with regard to the security of the Smyrna customs' duties. He should have thought that of all securities which a free-trade Government would have thought of accepting in giving a guarantee, the last would have been upon import duties. Were those import duties upon British productions alone? He believed that this was only one of a series of loans. If he were in favour of the war, he could not conceive a worse mode of applying money to carry it on with vigour than lending it to Turkey without any security whatever as to its application, and if he were called upon to devise a plan by which the war might be carried on in mere name, but without effect, he should certainly recommend lending money to the Sultan. In his opinion, instead of tending to carry on the war with vigour, this assistance to Turkey would only lead to the necessity for further applications for money; for if the means of Turkey were not flourishing now, they would certainly be deteriorated in the prosecution of the war. The noble Lord the Member for London had stated some time ago in his place in Parliament that a war with Russia about Turkey would add 300,000,000*l.* to the debt of England; and this loan of 5,000,000*l.* was only one of the little additions which the debt would receive. He believed that they would be deceiving themselves unless they dealt with this matter as part of a system of advances and subsidies, which would not end until it was stopped by the displeasure and dissatisfaction of the English people. So long as the people cheerfully found the money, so long, no doubt, the Ministers would be willing to carry on the war; but when the disappointment of success was accompanied by the pressure of taxation, diminished trade, increased crime, and universal distress, then the people would lay the whole responsibility of the war on the Government, and the Ministers who should be found carrying it on in those bad times would be driven from office amidst universal execration.

MR. WILKINSON said, that the right hon. Gentleman (Mr. Gladstone) had put before the House every possible alternative to which this guarantee might lead; and although he might agree with him that the arrangement of the terms might have been better, still, as the question was not so much as to the arrangement of the terms as to the policy of the arrangement itself, he believed that the course pursued by Government would meet with the approbation of the country. The right hon. Gentleman put forward the alternative of Turkey's not meeting her engagement, and France not fulfilling her part of the contract. He had, in fact, exhausted every alternative but one—namely, that England might not fulfil hers. He apprehended no difficulty as to the raising of the loan. Even if the 5,000,000*l.* turned out to be a pure gift to Turkey it was not to be considered a loss, for it might be that Turkey had need of money whilst we had need of men. He was not surprised that the advocates of peace should adopt their present policy in reference to this measure, because the most effectual way of putting an end to the war would be the stopping of the supplies. With regard to the language of the right hon. Baronet (Sir W. Molesworth), he did not believe the noble Lord at the head of the Government would disavow it, for he thought the castigation given to the Gentlemen who opposed this measure was deserved.

MR. WALPOLE said, that whatever the hon. Gentleman might think of the part he had taken in the discussion of this question, his object certainly was not in the least to stop the vigorous prosecution of the war. What he objected to was the way in which the Convention proposed to take securities for the repayment of the loan, which might lead to unpleasant complications. That was simply and solely the ground of his opposition to the present measure, and he desired he might not be included among those who wished to stop the war. No such thought ever entered his head, and he repeated what he had before said—that everything the Government might require for the proper and vigorous prosecution of the war he would freely give. Still, as there was a Convention in the present case, he should like the Solicitor General to satisfy the House that they were passing the present Bill in the way they ought. He had already called the attention of the Committee to the omission of the words "separately" or "severally" in the first article of the Convention, as inserted in the Bill. He had since looked into the dictionary of the Academic, and it was quite clear that the meaning of the words *conjointement et solidairement* was jointly and separately. The first article of the Convention, as it now stood in the Bill, ran as follows—

> "Her Majesty the Queen of the United Kingdom of Great Britain and Ireland undertake to recommend to Her Parliament to enable her to guarantee, conjointly with His Majesty the Emperor of the French; and His Majesty the Emperor of the French engages, subject to the ratification of the Legislative Body of France, to guarantee, conjointly with Her Britannic Majesty, the interest of a loan of 5,000,000*l.* sterling to be raised by His Imperial Majesty the Sultan."

He now asked whether the Government would render the Bill strictly conformable with the original Convention, by inserting words to make the obligation "several," as well as "joint?"

THE SOLICITOR GENERAL said, his right hon. and learned Friend was quite correct in his translation of the French words *conjointement et solidairement.* Every one conversant with the French law knew that as between debtor and creditor the equivalent term in English jurisprudence for those words was "jointly and severally." It applied both to the creditor and debtor—as applied to the creditor it gave him the power of bringing an action for the whole amount, and as applied to the debtor it made him liable for the whole amount. The corresponding word in our law was "severally," so that, unquestionably, the French term "*conjointement et solidairement*" should be rendered "jointly and severally." This matter had not been brought under his notice until to-day, and immediately on seeing it he wrote on the copy of the Bill an Amendment which would make the English translation correspond exactly with the French original. His right hon. Friend (Mr. Gladstone) seemed to be frightened and disturbed by mere phantoms. He seemed to think that the Government of England was placed in a more disadvantageous position than that of France. He did not think that was so, because the contract between the debtor and the creditor would be the bond. It was true the Sultan was bound to remit the money to this country for the payment of the loan, and that this country was to be made the place of payment, in case the Sultan did not remit the money; but the creditor would have the right of coming upon the Governments of France and England, and both must have the means of answering to the full extent of the obligation. For that purpose, the Government were authorised to issue such sums of money as were requisite to fulfil the guarantee—not, be it well observed, to pay the debt. The terms were framed with the greatest caution in reference to the guarantee, and they were so framed that they could not be regarded as an additional and special contract between the creditor and the Government of Great Britain. That seemed to be the alarm of the right hon. Gentleman, but there was no foundation for it. But, even if there had been an engagement that the creditor could come in the first instance on the Government of Great Britain, that would not vitiate the engagement altogether, for then they would have a right to receive a moiety from France. As to the appropriation of the Customs of Smyrna, that might be regarded in the light of a simple mortgage. If the Sultan sent the money to pay the interest they would have nothing to do with the Customs of Smyrna; if he did not send the money they would have a right to have an account of these Customs rendered, to have them appropriated and received by receivers appointed on the conjoint representations of the two guaranteeing Powers. He believed the whole extent of the obligation was as he had stated it. He trusted the House would pass the Bill, though, no doubt, they had a perfect right to reject it, seeing that the treaty was subject to the approval of Parliament.

MR. J. L. RICARDO thought that the creditor would well understand the security on which he gave his money; but he must say that he thought no explanation was given as to the relative positions of France and England with regard to the guarantee. The present debate showed that there was a great field for diplomacy in the guarantee as it stood, and all the difficulty would have been avoided if a separate guarantee had been substituted for a joint one. He admitted that the money would be raised on easier terms by the joint guarantee, because the credit of England was the highest, and was that which ruled the market. This was shown by the actual price of the Greek Loan, which was a separate guarantee. The price of the Greek stock guaranteed by England was 107; that guaranteed by France was 98; and that by Russia was 87; which made an average price of 97. He thought that England would bear the whole burden of this arrangement, and not the country whose credit was lower, and who, conjointly with England, guaranteed the loan. He did not wish to go into the whole question again, but if anything had been said upon the whole question, it was owing to what had been said by the Chancellor of the Exchequer in the reply which he had concocted between the twelve o'clock and the evening sitting. He had alluded to papers of which they had no knowledge, and to a separate arrangement with France as to the payment of her portion of the interest money, and that paper, especially, he thought that they ought to see. He had alluded, also, to the original demand of the Turkish Government for 2,000,000*l.* only. He could not, he thought, be included in the category of those referred to by the hon. Member for Lambeth (Mr. Wilkinson), who opposed the loan in order to throw an obstacle in the way of carrying on the war, for he had done nothing of the kind. He had acted on the broad ground that he was opposed to subsidies altogether, unless he saw some immediate aad absolute necessity for granting them. There was a house in this city which had offered to lend the money to Turkey herself, and it was not that Turkey might have the money to carry on the war, but that she might have it at a better price at the expense of the tax-payers of England, that this arrangement had been entered into. If it were, as the noble Lord at the head of the Government had said, that Turkey would fall to pieces if she had not this loan, he would vote for it, much as he opposed the system; but when the object was only that Turkey should borrow it cheaper, they had no right to put the tax-payers of England under any responsibility. It was not until Turkey was unable to carry on the war that they had a right to call on the people of England for assistance. The press had been continually telling them that if there had been only two more on their side they would have overthrown the French alliance; but if the French alliance were not stronger than that, it would not require any vote of that sort to dissolve it. They had been told, again, within twenty-four hours, by a Cabinet Minister (Sir W. Molesworth), the Convention was made, and that they had no right to vote as they had done in this matter. The Solicitor General had said that they had a right to discuss the matter; but the Secretary for the Colonies said that they had no right to discuss it. He has said, "If in the opinion of the Opposition we had done wrong in making that engagement with Turkey and France, they should have endeavoured to dismiss us with contumely and censure from office, or to impeach us, but they should have ratified our engagement, and should not have endeavoured to make the country appear to foreign nations to be a State with which no engagements can be safely concluded, and on the word of whose agents no reliance can be placed." That came to this—that if the noble Lord chose to-morrow to lend 20,000,000*l.* to Turkey or to France, the House of Commons might impeach the Ministers, but they must begin with voting the 20,000,000*l.* That was a doctrine to which he would not subscribe. The only power that House possessed arose from having hold of the purse-strings, and he was not inclined to let go that hold. He did not want to obstruct in any way this measure, and he had been led into these few observations by those who had preceded him. There were, however, one or two matters on which he should be glad of some explanation. He found that there was to be a sinking-fund of 1 per cent on the whole capital of 5,000,000*l.*, and he wanted to know, first of all, whether we were to guarantee that sinking-fund? And, if so, how it was to be expended? Who was to have the application of that sinking-fund? Was it to be applied to the purchase of stock in the market at any price it might happen to be at, or was it to be applied by lot by drawing certain numbers, as was the case in some instances?

THE CHANCELLOR OF THE EXCHEQUER said, that on this question, as well as on the question adverted to by the Solicitor General, it was necessary for the Committee to observe the difference between the positions of the Turkish Government and the guaranteeing Governments. We did not guarantee the sinking-fund, and therefore that was an arrangement between the bondholder and the Turkish Government at the time the loan was contracted.

MR. J. L. RICARDO also inquired whether there was any power for the reduction of the interest of 4 per cent, for the probability was that the stock would bear some proportion to the English funds, which would be considerably above par at 4 per cent?

THE CHANCELLOR OF THE EXCHE-

QUER was not aware that there was any power under the Convention of diminishing the interest; the Convention had arranged for 4 per cent upon 5,000,000*l.* sterling.

MR. HENLEY said, that the Sultan stipulated to remit the money for the interest to the Bank of England, and on failure of that the Minister of the day was to issue the money from the Consolidated Fund. There was also a stipulation that the sinking fund was to be paid into the Bank of England, and he thought it would be inconvenient that there was no stipulation as to how that sinking fund was to be appropriated. There should be some authority on the part of the Government to deal with that sinking fund, but it appeared to him that they had no such authority at all.

THE CHANCELLOR OF THE EXCHEQUER did not see how it was possible for the House to legislate as to a sinking fund which was to be provided by the Turkish Government and paid into the Bank of England, for it was a matter with which that House had no concern. Our obligation ended with guarantee of the interest. If we guaranteed the sinking fund, he quite admitted that we ought to legislate as to the sinking fund. If the Turkish Government failed to pay the interest, he presumed they would not provide the sinking fund; but this country would not have to provide any charge in that respect.

MR. HENLEY thought that if the sinking fund were of any value at all, the joint Governments of England and France ought to have the power to apply it to the reduction of the debt, for otherwise the stipulations with Turkey were only that she should pay the sinking fund into the Bank of England; and there was nothing to prevent her from drawing it out for other purposes, or from letting it lie there.

MR. GLADSTONE said, that on consideration, he decidedly agreed with the right hon. Gentleman opposite. His first feeling was one of satisfaction that there was no guarantee of the sinking fund which appeared to him an extension of what he regarded as an inexpedient and mischievous principle; but when he looked further he found that guaranteeing the sinking fund was really a contraction of the mischief. They were going to guarantee interest at 4 per cent on 5,000,000*l.*, and that 5,000,000*l.*, which would cost them more than the price for which average English credit would obtain money in the market, might be paid off at a given rate through the sinking fund. Taking the average of times this country could borrow at less than 4 per cent; and therefore it would be advantageous if we could relieve ourselves from an engagement on which we should be bound to pay 4 per cent. It appeared to him, as a matter of money, to be plainly for the interest of the two guaranteeing powers that the sinking fund also should be guaranteed.

SIR HENRY WILLOUGHBY understood that there was to be an arrangement with Turkey upon the matter.

THE CHANCELLOR OF THE EXCHEQUER said, he believed that there would be no difficulty in the arrangement as to the terms on which the sinking fund was to be appropriated by the Turkish Government; but it was a matter, in the first instance, between the Turkish Government and the bondholders.

MR. GLADSTONE wished to repeat the point which presented itself to his mind. The better way to make it clear would be to premise a total default by Turkey to pay; and under that supposed state of things the question was, which was most for the interest and advantage of the guaranteeing Powers, that they should go on paying 4 per cent for ever, or have the means of extinguishing the debt by a sinking fund. It was quite plain that it would be for our interest to have the control of the sinking fund.

MR. JOHN MACGREGOR said, it struck him that there had been a great deal of misrepresentation throughout the whole of the debate. In the first place, the hon. Gentleman opposite (Mr. J. L. Ricardo) had spoken of the whole of the interest on the loan having to be paid by the tax-payers of England on account of Turkey's failing to pay the interest, and yet he had admitted that a house in the City of London was ready to have lent 2,000,000*l.* to Turkey at a high rate of interest. That statement ought to remove the apprehensions which had been created in the minds of the people of this country by the opponents of this guarantee, for it was a proof Turkey was not in that insolvent state in which some hon. Members represented her to be. He believed that Turkey derived from her import duties a revenue more than sufficient to pay the interest on the loan. He thought that the House had better leave Turkey to deal with the question of the sinking fund; and he regretted that any opposition had been raised to the guarantee, as the union of England and France in this guarantee would lead to results a thousand times more valuable to England than the frivolous objections which had been made to the guarantee.

MR. DISRAELI: Sir, I think the Committee will consider that what has occurred to-night has justified us in not proceeding in this matter with that precipitation which the noble Lord in his impassioned harangue conveniently wished us to adopt. In consequence of what has taken place to-night, my right hon. Friend (Mr. Walpole) has succeeded in introducing into the Bill an expression which gives it quite a new character. He has succeeded in giving to the Convention an interpretation which it did not bear at six o'clock in the opinion of Her Majesty's Government — an opinion not carelessly given, but an opinion which we have been told to-night by a Cabinet Minister, was only accepted after deliberation, and of course the deliberation of Cabinet Ministers is a Cabinet Council. There appears to have been a Cabinet Council respecting the interpretation of a most important French epithet, and it seems that the Cabinet had decided upon an interpretation of that epithet which is quite contrary to the sense which it bears. What then are we to think of the interpreters of the Foreign Office? At six o'clock, the word "*solidairement*" meant united responsibility; but after discussion it appeared in a contrary light, and, instead of meaning united responsibility, it meant separate and several responsibility. I cannot help thinking that this circumstance alone justifies us in the course which we have taken; but, if we required further justification, I would appeal to the speech of the Solicitor General—one of the principal law officers of the Crown. He gave a complete and unqualified adhesion to the interpretation placed upon the epithet by my right hon. Friend, which gives an entirely different character both to the Act of Parliament and to the Convention. Surely the Chancellor of the Exchequer does not mean to repudiate the interpretation of the Solicitor General. Certainly the Solicitor General said—and I thought it was a strange admission for a Crown officer to make—that he had not read the Convention till this morning. I should have thought that it would be more convenient, and upon the whole, more advantageous to the Government, if the noble Lord would condescend to consult the Crown officers respecting the meaning of treaties before he recommends this House to sanction them by Acts of Parliament. However, we have now the unqualified admission of the Solicitor General, that the epithet *solidairement* expresses a meaning exactly contrary to that promulgated by the Chancellor of the Exchequer, and I think that the view of the Committee is with the Solicitor General and my right hon. Friend in the interpretation which they have given. If the Solicitor General had only risen to express that opinion, I should have felt called upon to give my unqualified assent to it; but I confess that the security which we are to obtain by this Convention has filled me with alarm. I have all along felt that the arrangement might entail perilous consequences to the country; but there was one which was not included in the catalogue of dangers which were touched upon the other night. The right hon. Gentleman (the Solicitor General) has now given us a description of our security under the treaty, by which I find that we have strictly a mortgage upon Turkey. Who, then, is to be the receiver if the mortgage is not paid? I cannot conceive consequences more pregnant with danger to the country than those which may result from the arrangements which, viewing them according to the interpretation of one of the law officers of the Crown, have been made by the Government. I do not rise now to vindicate the vote which I gave on Friday night. I look back to that vote with entire satisfaction. I have listened to many Gentlemen who have thought it necessary to vindicate their votes, and I do not wish to interfere between them and their consciences or their constituents. For my own part, I am convinced that the vote which I gave was a vote dictated by sound policy and constitutional feeling, and that it will ultimately be recognised as a wise and prudent vote. I am perfectly ready to take the consequences of that vote, and I will not for a moment condescend to vindicate it. I have certainly heard with surprise the extraordinary doctrines which are held by Gentlemen representing numerous and popular constituencies, and I can only excuse the opinions which they express upon the charitable supposition, that they speak without previous reflection, and commit themselves to doctrines which, after a time, on due consideration, they will not venture to assert. Now, either the House of Parliament has the privilege, or it has not the privilege, of sanctioning the arrangements made by ministers when Her Majesty, under their advice, enters into Conventions upon which financial arrangements are concluded. If we are to be told that, though Her Majesty cannot enter into treaties by which She is bound to advance large sums of money without the sanction of the House, still it is most impolitic to hesitate to sanction such an arrangement, then I say that it would be much better if we were to come to some understanding upon the subject and were to rid ourselves of so nugatory a privilege as that which we possess. But I am not disposed to agree to that doctrine. I hold that it is a privilege not to be lightly treated, but a real and substantial privilege, which is to be asserted and exercised in an exigency without hesitation, but with a due sense of the responsibility which is to be encountered. Let us for a moment conceive what might be the consequences of our treating such a proposition as that which was made by the Chancellor of the Exchequer on Friday night as a mere matter of course, or as if it were the mere adjournment of the House. Why, you might raise all the money necessary for carrying on the war without the interference of Parliament in any respect whatever. If you are to raise 5,000,000*l.* in this way, you might raise 10,000,000*l.*; if 10,000,000*l.*, then 20,000,000*l.* or 60,000,000*l.* There could be no reason why, by a series of conventions, you should not raise a sufficient sum of money to carry on a war which might not meet with the sympathy of the people or the approbation of Parliament. You might raise 20,000,000*l.* for Turkey, and place it in the hands of a Royal Commissioner, to pay your army in the East—there would not be the slightest check to prevent such a proceeding; and therefore I am sure that hon. Gentlemen must feel that nothing can be more absurd than those commonplace remarks which the hon. Member for Lambeth has made on this and other occasions with regard to the conduct of those who have impugned the policy of the proceedings taken by the noble Lord, characterising their opinions as too wild for the House of Commons for a moment to adopt or approve, or as being prompted only by base, disloyal, and unpatriotic motives. In agreeing to a convention we approve the policy of the Ministers, and therefore conventions of this kind ought not to be agreed to without scrupulous examination and severe criticism. If your policy is a sound policy it should bear that criticism, and the Government would be strengthened in consequence of the discussion. If the contrary be the case, no majority can prop up a policy founded upon principles which are fallacious, when we deal with a question of peace or war; and I am surprised any one should contend that the House of Commons ought to pass measures of this kind without due deliberation and ample and complete discussion. I agree with those who disapprove the manner in which this Convention is to be carried into effect, and I must say that I have heard no satisfactory answer to those objections which have been made to it on that ground. When I find that the Government are not even now really aware of the nature of the engagements into which they have entered, as has been proved to-night by their answers to the objections of my right hon. Friend (Mr. Walpole), I am the more confirmed in my opinion. I consider that the manner in which they are carrying their policy into effect is unsatisfactory. But I am told, "Our policy may be unwise—the manner in which it is proposed to carry that policy into effect may be inexpedient—but it is most hazardous for the House to attempt to change the course pursued by the Government, because by so doing you imperil your alliance with France." I may observe that before I had any idea that this Convention would be placed upon the table I took the liberty, with reference to other subjects, of warning the House not to encourage these stereotyped declarations of the Government that our alliance with France was endangered by the free expression of opinion in this House. If the free expression of our opinions endangers our alliance with France, that alliance is not the substantial thing which I venture to esteem it. Sir, it is by the expression of opinion in this country that that alliance will be supported. If the alliance will not bear discussion—if we are to be perpetually speaking in a whisper when the name and the interests of our great ally are mentioned—you may be sure a very short time will elapse before that alliance will indeed be endangered—for, unless our alliance with France springs from strong sympathy of feeling and identity of interest between the two countries, little reliance can be placed upon it:—unless the sentiments of the great majority of the two countries are in favour of that alliance, it can be maintained by no diplomatic arrangements and by no ministerial management. It is my conviction that the alliance does arise from that homogeneity of interest and feeling which has for many years prevailed, even unconsciously at first, among the population of these two great nations; I believe that the alliance which has been formed between them is a sound, substantial, and lasting alliance; and I am satisfied the best means of cherishing and maintaining it will be by speaking upon all subjects on which our interests are supposed to interfere, or, at least, to be concerned, with the utmost frankness as well as with the utmost friendship. But is it a fact that the Sovereign of this country having, by the advice of her Ministers, in the exercise of the undoubted prerogative of the Crown, entered into a Convention with France, and the Parliament of England hesitating to sanction the guarantee proposed by that Convention, the alliance between the two countries is necessarily endangered? A right hon. Gentleman has alluded, with great propriety, to the case of the commercial treaty of Utrecht—in my opinion one of the best treaties that was ever negotiated and ratified, and which was yet rejected by the House of Commons; but its rejection did not prevent the peace. I will call the attention of the House to a more recent case. In 1852, when, with my right hon. Friends near me, I was placed in the responsible position of a Minister of the Crown, we found on our accession to office a treaty which had been negotiated and concluded with the Emperor of the French by our predecessors, but which had not received the assent of Parliament. That treaty related to a subject of great interest to the Emperor of the French—the extradition of criminals between the two countries. It was of high importance at that moment that the treaty should be carried into practice; it was necessary that we should appeal to Parliament to ratify it; we acknowledged that the treaty was negotiated by our predecessors, and we claimed no credit on the ground of its conclusion. The noble Lord who was Secretary of State in the Government of Lord Derby (the Earl of Malmesbury) introduced the subject in the House of Lords. The question was one of infinite difficulty, and, if not of vital, was at least of vast importance to the interests and to the peace of Europe. We had the honour on that occasion of receiving in the House of Lords the opposition of our predecessors in office who had themselves negotiated the treaty. This was but one example of the remarkable candour with which the Administration of Lord Derby was invariably treated by Parliament. I must, however, entirely acquit from this charge the noble Lord opposite (Viscount Palmerston), who uniformly, during our attempt to administer affairs, behaved in a generous and candid manner. So strong was the opposition offered in the House of Lords by the statesmen who had negotiated the treaty that the noble Lord who was peculiarly responsible for the conduct of that important measure consulted me and my right hon. Friend (Mr. Walpole) who was then Secretary of State for the Home Department, as to the course he should pursue, and as to the possibility of carrying the measure through Parliament. I expressed my opinion that such was the prejudice existing at that moment against the Government that it was utterly impossible to carry through Parliament the Bill that would sanction and guarantee that treaty. I said, "The best thing you can do is to explain to the French Government your exact position, and to throw yourselves upon the good sense and the high spirit of the individual who, fortunately for Europe, governs the destinies of France." If we had been compelled to appeal to a commonplace Sovereign his feelings might have been outraged, and the consequences might have been serious; but, fortunately, we had to appeal to a Prince of great capacity, and one who had long lived in this country, and His Majesty acted in a manner becoming a person of his high position and talents. Although it was scarcely possible that any circumstance could have occurred more obstructive to his policy and more injurious to his position than that the treaty should not be adopted, His Majesty did justice to the spirit of the English constitution, and the French alliance was not disturbed. He did not turn round and say, "There is an end of the cordial feeling between England and France." On the contrary, he said, "I respect the efforts you have made, and the feelings which have induced your Government to speak to me with such frankness. I deplore, as a most lamentable and injurious event for England, for France, and for Europe, that this treaty has not been carried. I lament that we have been obliged to yield to the false imputations that have been raised against us; but the alliance between England and France is too precious a thing to be subjected to such political accidents." Although we were obliged to give up our efforts to carry into effect that treaty, I flatter myself that the good understanding between England and France, while we were responsible for the conduct of affairs, was at least undiminished. That is, I think, an answer to those who say that if the Parliament of England ventures, in the exercise of its constitutional rights, to express an opinion upon a Covention negotiated by a Minister we are endangering the alliance between the two countries, and destroying that cordial understanding which, I trust, may always exist. There is no person who would less respect the English Parliament than the Emperor of the French if we were to register our silent votes at the dictation of a Minister upon a subject like that now under our consideration. Whether we look to the policy of this Convention, the manner in which it is carried into effect, or the risks we run if we attempt to modify it, I see no grounds for accepting the opinion of the noble Lord, or for concluding that if we would have prevented this arrangement we should have diminished the degree of vigour with which the war is carried on. Well, Sir, the hon. Gentleman the Member for Lambeth assumed that as a matter of fact. That, too, was the principle that animated the absent Secretary of State at the hustings at Southwark. But it is not fair to criticise that jubilant ebullition of a man so suddenly exalted to an unexpected position. We ought to sympathise with him, and rather to congratulate and compliment him. That right hon. Gentleman is the editor of the works of one of the great English philosophers—and finding himself a metropolitan Member and a Secretary of State —and the first metropolitan Member who ever was a Secretary of State—I can fancy him breaking out into a panegyric of despotic power, wishing to put down Parliament, and the free expression of opinion among his old colleagues. But this will pass off when the right hon. Gentleman becomes more tranquil, when he slumbers again upon the Treasury bench. I must say, I think the attempt which has been made to raise a prejudice against the right hon. Gentleman is very unhandsome. We ought to show our respect to one of the rank and file who has gained a high position, and to pass over these things lightly when we see a demagogue or a democrat in this political carnival attacking the freedom of Parliament. That right hon. Gentleman never went to the hustings that he did not personally attack me. That I do not care about. All I hope is that the next time he appears there it will be to offer a vindication for a defunct Ministry, and prepare his constituents for the programme of a progressive Opposition. If a proper constitutional opposition were offered to this Bill during the rest of its stages the sittings of Parliament, instead of concluding in August or September, would be perpetual. But I do not think this a question upon which we ought to have a protracted discussion. It is necessary to vindicate the privilege of Parliament, and to express an opinion upon the financial and diplomatic arrangements entered into by the Government; but I admit that the happiest opportunity for exercising this privilege is not the discussion of a Convention with a cherished ally. I look upon our vote the other night as a protest against the system which the Government are commencing. If the Session had not been so far advanced my course would have been, after the vote of the other night, to ask the House next day, or the first opportunity, to address the Crown, and express an opinion that the manner in which Her Majesty's Ministers are apparently carrying on the war is not one which it is the policy of this country to pursue. But, having no opportunity to take that course at the end of the Session, when our numbers are diminished, the noble Lord comes down and makes a demand of very great importance, which, if accepted as an unchallenged precedent, might lead to an increase of debt to the amount of many millions, and to a mode of carrying on the war almost irrespective of Parliament. The course that was taken the other night was a wise and right course. It has been a significant one, and has made an impression upon the House and the country. The noble Lord at the head of the Government will be made aware that he cannot, in a light and thoughtless spirit, pursue that course upon which he has embarked. If he does, no commonplace declamations about interfering with the vigorous prosecution of the war, none of those platitudes with which we have been favoured during these debates from several thoughtless quarters, will influence me. I shall oppose, in every way, the adoption of the system of subsidies, as I must call it, whether apparent or disguised, as one of our principal methods of carrying on the war. I do not think that the war is being vigorously pursued, and I think that this money will be lavishly spent without producing any effect. I am not satisfied with either the principles or progress of the war. What we want is a change—an entire change in the conception and management of your campaign. You may come forward and demand greater sacrifices from the people of this country, but if they are excited by the patriotic eloquence of the noble Lord, or the precipitate remarks of the right hon. Gentleman the Member for Southwark, the people of England will find that they are not obtaining the object of their endeavours, or securing the independence of Turkey.

Mr LABOUCHERE said, that although the right hon. Gentleman had at the commencement of his speech said that he would not condescend to vindicate or justify the vote which he gave on Friday night, he could not help thinking that the House would not have heard the lengthy address with which he had favoured it had he not been anxious to remove the objections which had been urged against it by some in whose good opinion he was desirous to stand well. The greater part of his speech had, however, been occupied in combating objections which no reasonable man would urge. He talked as though hon. Gentlemen sitting on the ministerial side of the House had questioned the right, nay the bounden duty of the House, to scrutinise and examine any Convention into which the Crown might enter with another Power. The right hon. Gentleman would hear from him (Mr. Labouchere) no such unworthy and unconstitutional doctrine. It was one of the most solemn duties of the House, if need were, to oppose the Crown in acts which involved the imposition of burdens upon the people; and in so doing, so far from being disloyal, they were giving the truest support to the Crown, while they took care that their constitutional right was not invaded. But in exercising this right the House was surely bound to exercise it with judgment and caution, and with a due regard to consequences. He might be wrong, but he confessed he was appalled at the hazard which Gentlemen who voted against the Resolution last Friday evening were prepared to run for the sake of avoiding contingent and possible dangers—especially was he surprised at the conduct of those who had been all along urging upon the Government the vigorous prosecution of the war. The opposition came from various quarters and included many Members of great ability, and having great weight with the House; and he was surprised that, situated as we were with regard to France, these gentlemen, overlooking the important and necessary consequences of the course they recommended, should have united to ask the House, not to scrutinise and examine this Bill, but to strangle it at once, and to say to the Crown, "we will not permit you to fulfil your engagement;" to France, "we will not join you in carrying out those measures which the Governments of the two countries thought most likely to effect the object for the attainment of which we are now allied," and to Turkey, "we will not furnish you with the assistance which we know you require." He hoped the danger was past. He would say nothing about the necessary effect of such an adverse vote upon the stability of the Government; at the same time he could not forget that the House had more than once unequivocally declared that, under present circumstances a change in the Administration would not be for the public advantage; yet had the Resolution proposed last Friday night been negatived, it was impossible that the present Government should have retained office. He would not attempt to disguise his desire that the present Government should continue in power; but were the Treasury benches occupied by the Gentlemen opposite, and were those Gentlemen carrying on the war, vigorously and efficiently, he should be most unwilling to give any vote which would disturb them. The success of the Opposition to that Resolution would, however, have been attended with most serious consequences. What would have been the effect at Paris, at Constantinople, at St. Petersburg? Would not the impression produced upon Europe have been that the people and the Parliament of this country were heartily tired of the war, and were unwilling to support the Government; and that, therefore, the Government had nothing to do but to accept any peace, however humiliating might be its terms? He longed for peace as much as any man could do; and he would support no Government which he did not believe would make peace on fair and honourable terms. So long, however, as he believed that the Government was seeking for a safe and honourable peace, through the energetic pursuit of hostilities, he should feel it his duty to give to it the best support that he was able. Of this he was certain, that if the House wished to express disapproval of the acts of the Government there could be no less proper mode of doing so than, without the greatest possible reasons, refusing its consent to a convention of this kind. Weighing, therefore, the objections which had been urged to the proposition of the Government with the dangers which would have arisen from the rejection of this Bill, every impartial man must rejoice that the House had followed the advice of those who recommended its adoption.

MR. CARDWELL said, he did not imagine, when his right hon. Friend rose, that he was about to favour the Committee with a constitutional lecture, but thought that he intended to supply a deficiency in the discussions which had taken place upon the Bill. He alluded to the circumstance that no independent Member had spoken who had a word to say in favour of the terms of the proposition of the Government. He agreed with his right hon. Friend in desiring the stability of the Government, but he was not prepared to purchase that stability by voting for subsidies which he believed to be in themselves mischievous and certain to be followed by mischievous consequences. If the House admitted upon this occasion the argument of the effect the rejection of this Bill would produce in France, St. Petersburg, and Constantinople, were they to be precluded from expressing an opinion hereafter, when the question might be one of 20,000,000*l.* or of 50,000,000*l.*, upon the same ground—namely, the fear of shaking the French alliance? But the Solicitor General had stated that express reference was made in the Convention to the necessity of the sanction of the House of Commons to the arrangement which had been entered into, and therefore the faith of the Crown could not be taken to be pledged. His right hon. Friend said it would be unworthy of the House to abstain from expressing an opinion upon the effect of a financial proposition. He would read to the Committee some precedents with regard to the manner in which that principle ought to be acted upon. A hundred years ago some very remarkable discussions took place upon this very question of subsidies, and what were the opinions expressed by the Mr. Fox of that day and by Lord Chatham? Lord Chatham said—

> "We have suffered ourselves to be deceived by names and sounds—the balance of power, the liberty of Europe, a common cause, and many more such expressions—without any other meaning than to exhaust our wealth, consume the profits of our trade, and load our posterity with intolerable burdens. None but a nation that had lost all signs of virility would submit to be so treated."

Lord Stanhope, in his History, thus summed up the transaction, and, changing Germany into Turkey, the passage would apply exactly to the present occasion—

> "It seemed hard that the ultimate object in question—the security of the Germanic Empire and of the German princes themselves—could only be obtained by payments and promises to those very German princes. Hard as it seemed, however, no more than fifty-four Members of Parliament were found to vote against it."

There was nothing left for those who were of opinion that this loan was a burden laid upon the people of this country for the purpose of furnishing Turkey with a subsidy, not upon the most provident or advantageous terms, but to take the course which they had taken. He denied that there had been any attempt at surprise, or any concert in the matter; they had expressed an honest, independent opinion on the question, and the result had shown that there was a very strong feeling in the House as to the prudence and propriety of the course which the Government had taken. He contended that they had been exercising an undoubted Parliamentary right in endeavouring to delay the Resolution, in order to give the Government—when they saw that the form of the Convention was objectionable to representatives of the people—an opportunity of communicating with the French Government for the purpose of ascertaining whether some more provident and suitable arrangement might not be made.

VISCOUNT PALMERSTON: Sir, I agree with the right hon. Gentleman opposite (Mr. Disraeli) that those Gentlemen who take exception to what is supposed to have been said by my right hon. Friend the Secretary for the Colonies (Sir W. Molesworth) at his election to-day might as well have deferred their remarks until my right hon. Friend was here to answer for himself, especially as there is no man more capable than he is of defending himself in his place against anything which is laid to his charge. I would, however, venture to suggest to the right hon. Member for Manchester (Mr. M. Gibson), who seems to take so much objection to what he calls violence of expression in speeches out of this House at hustings, that, after having delivered his lecture to my right hon. Friend, it would be well if he were to address some remarks aside to his Colleague the hon. Member for Manchester, and to the hon. Member for the West Riding, who in their speeches out of this House stand quite as much in need of such an admonition as does my right hon. Friend. The right hon. Gentleman the Member for Buckinghamshire accuses the Government of having endeavoured to hurry on this Bill, so as to prevent it from being fairly and fully discussed. No such thing did we do; on the contrary, it was those who voted against us who wanted to prevent discussion, inasmuch as they had endeavoured to strangle the Bill at its first stage, whereas the Government has urged upon the House to go on in order that it might fairly discuss the arrangements, and that my right hon. Friends might have an opportunity of stating the objections that they felt to them. That charge cannot, certainly, with justice, be laid at our door. Nor has anybody on this side of the House maintained that doctrine, which has been repudiated with such constitutional energy by various hon. Gentlemen—that Parliament has not a right to criticise and to reject any proposal of this kind. On the contrary, as was pointed out by the Solicitor General, the very terms of the treaty imply that the approbation of Parliament is necessary, and it would be manifestly impossible for the Crown to enter into any such engagement as this without the subsequent consent of Parliament. All that can be engaged by the Crown is, that it will recommend to Parliament to sanction and to give effect to the treaty into which it has conditionally entered. The charge which we make against those who voted against the Resolution on a former occasion is, that they abused and misapplied their constitutional right — not that they had no right to consider the question, but that they exercised their right with a forgetfulness of the great interests of the country committed to their charge. This is a measure peculiarly essential to the vigorous prosecution of the war. Does any man imagine that the war can be carried on with vigour and advantage if the Turkish army is not in the field? and how can that be if the Turkish Government is not furnished with the means of maintaining it in a state of efficiency? The object of this Bill is to supply the Turkish Government with those means; and, therefore, I maintain that it is essential to the vigorous prosecution of the war. It is the height of inconsistency in those who very lately concurred in a Resolution to pledge the House to support the Crown in a vigorous prosecution of the war now to turn round and endeavour to deprive the Government of the means of carrying out that Resolution. On a former occasion we contended that the arguments urged against this Bill were only fine-drawn distinctions, and were not founded on any broad and intelligible principle, and I must say that up to the present instant I am really unable to understand what are the main objections to this Bill, and especially those of the right hon. Gentleman the Member for the University of Oxford. I cannot understand whether my right hon. Friend objects to the Bill because the guarantee is a joint and not a separate guarantee, or whether it is that it is a guarantee and not a loan, or whether it is that it is a loan, and not a gift or a subsidy. In short, I am utterly at a loss to discover from my right hon. Friend's arguments what is his real and substantial ground of opposition to the Bill. If his objection is that it is a joint and not a separate guarantee, my answer is that which I gave the other evening—that, though Her Majesty's Government would have preferred a separate guarantee, yet the French Government laid so much stress upon the mode of arrangement which has been adopted that we thought it due to that Government to yield to their wishes in a matter on which we did not lay so much stress as they did. The great objection of my right hon. Friend seems to be based on political grounds. He says that great difficulties and embarrassments will arise out of this joint guarantee, inasmuch as it will give to the guaranteeing Powers some sort of means of seizing on territory in payment of debt. Now, Sir, if any disposition of that sort existed, or were likely to exist, I should venture to suggest that a separate guarantee would give greater means of carrying it into effect. Where the guarantee is separate and where each party guarantees a specific amount of the loan independently of the other, each party has a right to say—"you are paid your portion of the interest or not as may happen; we are not paid ours; we foreclose therefore, and we take possession of a portion of territory in order to indemnify ourselves from loss." On the other hand, where the guarantee is joint and several, if one of the parties show any disposition to act in the way I have described, it would be in the power of the other party to say, "You have no right to do it—I take upon myself the whole responsibility of the debt, and I guarantee that no loss shall fall upon you." Then, my right hon. Friend says he has a great objection to the assignment of particular branches of the revenue as a security for the loan; but if he will inform himself from persons who were colleagues of Lord Aberdeen in the Government of 1835, I rather think he will find that a treaty was drawn up at that time by which the Greek Government was to give exactly the same security to the three Powers for the payment of the interest on the Greek loan. If I am not mistaken, the three Powers were to have security on the customs of certain ports in Greece, which is the kind of security to which the right hon. Gentleman objects; it was agreed to by the English Government, but difficulties arose in other quarters which prevented it from being carried out. With regard to the manner of the guarantee, it appears to me that less difficulty is likely to arise from the treaty as it is than if the guarantee had been such as my right hon. Friend proposes. The practical question which the House has to consider is simply this—that a treaty having been concluded on that principle at the particular desire of France, whether this House should reject that treaty and throw it in the face of the French Government, on the very ground of objection to the arrangement that had been made in deference to their wishes? It is said that it would not affect the French alliance; that we are upon such excellent terms, and that the alliance is founded on such a firm basis that it cannot be shaken by an affront of this kind. But would it be right, on account of the intimate friendship which exists, to take a liberty that would be very insulting to the French Government? Such a course as that suggested could not be taken without negotiation, which would render a new Convention necessary, would delay the assistance which Turkey requires until a remote period, and would entirely defeat the purposes for which that assistance is necessary. The right hon. Gentleman opposite (Mr. Disraeli) cited a case where the Government of Lord Derby had been obliged to abandon a treaty in consequence of the enunciation of opinion in Parliament. But the right hon. Gentleman somewhat mistakes the circumstances of that case. The treaty to which he alluded was the extradition treaty, by which the two Governments were to surrender persons charged with certain offences who had fled from justice in their own country and had taken refuge in others. That was not a new treaty, because one already existed between England and France, for that purpose; but it was found difficult of execution as far as Frenchmen flying to England were concerned, because the law was difficult to be complied with by persons coming from France to claim the fugitives. A long negotiation was entered into with a view of making changes in that treaty, but the right hon. Gentleman is mistaken in saying that that treaty was concluded at the time that Lord Derby came into office. Negotiations had gone on, but the scheme proposed by France was one to which I had great objections on constitutional grounds. [Mr. Disraeli: It was concluded by Lord Granville:] My impression was that the final arrangement of the treaty took place after Lord Derby's Government came into office. I may be mistaken. All I know is that up to the time I came into office, I objected to the arrangement which the French Government proposed. That treaty, however, is not a case in point; it is not like a treaty for the essential and vigorous prosecution of a war in which the two countries are engaged, and the revocation of which would leave penniless that very ally for which you are unndertaking the war. The only result of the rejection of the treaty to which the right hon. Gentleman alluded was that England and France remained in the same position under the treaty which already existed. Without renewing the discussion which has taken place with regard to the conduct of parties in the late division, I will simply say that I cannot at all look on that division in the light manner in which some hon. Gentlemen are disposed to represent it. I must own I think that it would have been a very serious thing indeed if that division had turned the other way, and the treaty had been contumeliously rejected by the House and flung back in the face of the Government of France. I do not say that it would have broken up the alliance, but I think that it would have created great coolness and alienation in the relations of the two countries, which would have been productive of much evil in regard to their connection, while its effects upon Turkey would have been fatal, at least for the moment. The right hon. Gentleman opposite says he would conduct the war more vigorously and effectively than it appears to be conducted at present. I do not know whether that will greatly recommend him to the right hon. Gentleman the Member for the University of Oxford—though they do not sit upon the same benches they meet in the same lobby—but all I can say is, that we are doing our best, upon a full consideration of all the circumstances, and, acting in concert with our allies, to accomplish the object which we have in view. It is misrepresentation to say that we are levying taxes on the people to send our millions to Turkey. We do no such thing, for if Turkey fulfils her engagements no burden will be entailed on the people of this country. I think that if the right hon. Gentleman (Mr. Gladstone) was still in office he would take a more lenient view of the policy of the measure which we are now discussing, the object of which is to furnish our ally with the means which are absolutely indispensable for the maintenance of that army which is co-operating with ours, and without which co-operation we could not have the success which we expect and ought to have. It was, therefore, with great pleasure that I heard the right hon. Gentleman opposite state that, though he was bound to protest against what, in his opinion, was not a good arrangement, it was not his intention to propose any further obstacle to the progress of the Bill.

MR. GLADSTONE observed, that the Committee had given him an ample opportunity of expressing his feelings on this question, and he did not propose to abuse their patience by reopening the discussion. The noble Lord, however, had observed that, perhaps, if he had still continued Chancellor of the Exchequer, he should have been disposed to take a more lenient and favourable view of this matter. He appealed confidently to his colleagues whether the doctrines he held upon guarantees had undergone any change? and, with respect to the present measure, while he was not content with the arrangement, he submitted cheerfully to the opinion expressed by the House, although it must be remarked that not a single Member had given his approval to the terms of this arrangement upon the merits, or to the mode in which it had been brought forward by Her Majesty's Government. He urged that a treaty of this nature always involved corresponding obligations, and he was at a loss to see what Turkey undertook to do in return for the advance which we were about to make to her.

VISCOUNT PALMERSTON said, that until the ratification should be sent to Constantinople nothing could be done in pursuance of the Convention; but that instructions had been sent to Lord Stratford with a view to the mode in which the money should be applied.

MR. MILNER GIBSON suggested that some guarantee should be afforded that the money now to be advanced should be applied to the purpose for which it was intended, and was understood to instance a case in which this had been done.

THE CHANCELLOR OF THE EXCHEQUER said, with respect to the case referred to that the grand difference was this, that it was Turkish money in the one case and English money in the other.

MR. MILNER GIBSON said, that as to this being Turkish money that was a mere phrase. The money was to be paid into the Bank of England, and the Turkish Government would not have the power of touching one shilling of it there. He wanted to know how much of the loan might be transmitted by the Government to Turkey?

MR. WILKINSON said, that Turkey was about to raise a loan, and this country had nothing to do with it until it should be called on to pay the interest.

LORD LOVAINE thought the hon. Member was mistaken. The money was indeed to be raised in the name of Turkey, but this country took the guardianship of it, and issued it from time to time to Turkey.

MR. MALINS considered the words proposed to be introduced most objectionable. Turkey desired to borrow, and England and France were to guarantee. Did the right hon. Gentleman mean to suggest that England and France were going to rob Turkey? The transaction was so simple that it required all the ingenuity of the right hon. Gentleman to mystify it.

MR. GLADSTONE deplored the unhappy condition of the hon. and learned Gentleman, who had been sitting in the House all the evening and wasting his precious time. The hon. and learned Gentleman appeared to impute to the right hon. Member for Manchester a desire to introduce into the Convention the very thing which was already in it—namely, a control over the transmission of the money. This, at any rate, was not a case where the French alliance was in danger; but as, with the views he entertained of the measure, he considered the adoption or rejection of the proposed Amendment a matter of insignificance, he recommended his right hon. Friend not to press it to a division, though, if it went to the vote, he should support it as a slight acknowledgment of the functions of Parliament to exercise a control over the Executive Government in matters of money.

Mr. MALINS adhered to his assertion, that the Amendment of the right hon. Member for Manchester suggested that the Executive Government were not to be trusted with the transmission of money paid into the Bank of England for the use of Turkey. Having listened to several remarkable speeches from the right hon. Member for Oxford University, he was surprised that that right hon. Member should charge him with having wasted his time.

Mr. T. BARING: The money was money for Turkey; but it was also money to be used by Turkey under the special control of Commissioners to be appointed for that purpose. And if that were the case, what was the difficulty in having a return? We had control over the money until it was expended in Turkey, and it was only fair that this House should require some return as to how the money was to be spent.

Clauses 1 and 2 *agreed to.*

Clause 3 (Accounts to be laid before Parliament.)

Mr. MILNER GIBSON then proposed his Amendment in a form requiring an account to be laid before Parliament of the sums transmitted to the Sublime Porte on account of the capital of the Loan.

Question put, "That these words be there inserted."

The Committee *divided*:—Ayes 36; Noes 124: Majority 88.

Clause *agreed to.*

The preamble of the Bill, including the Convention, into which the words "and severally" were introduced, was also *agreed to.*

House resumed.

Bill *reported* as amended.

The House adjourned at half after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, July 30, 1855.

Minutes.] Public Bills.—1ª Office of Speaker.
3ª Coal Mines Inspection; Militia Officers' Qualifications; Trinity College (Dublin).
Royal Assent.—Places of Religious Worship Registration; Weights and Measures; Public Libraries and Museums; West Indies Relief Loans Arrangement; Incumbered Estates (Ireland) Act Continuance; Burial of Poor Persons; Lunatic Asylums (Ireland); Stage Carriage Duties, &c.; Convention with United States; Ecclesiastical Jurisdiction Continuance; Treasurers of Counties (Ireland).

THE CRIMINAL LAW.

Lord BROUGHAM *moved,* That an humble Address be presented to Her Majesty for Return of the Number of Prisoners tried at the last General Sessions, distinguishing the Counties, and the Number acquitted, the Sentences on those convicted, and the Dates of their Commitment. These returns, the noble and learned Lord said, were in continuation of former returns which had been laid on the table. He would take the opportunity of asking the noble and learned Lord on the woolsack whether he had any apprehension that the Bill which had passed unanimously through that House—the Summary Jurisdiction Bill—for the more speedy trial of persons charged with petty larceny, would not become law in the present Session? He was of opinion that that measure would effect one of the most important improvements in the jurisprudence of our criminal law proceedings. He also wished for information in respect to the measure that had for its object the expediting of the trials of offenders by increasing the number of assizes or sessions. He certainly entertained no hope of that measure passing this Session, but he earnestly desired that it should be introduced in the early part of next Session. As to the difficulty respecting the number of Judges that would be required to carry out such a measure, he had no doubt that, by a judicious extension of the jurisdiction of the County Court Judges that difficulty might be easily surmounted. He could not name the County Court Judges without once more appealing to his noble and learned Friend, and to the Government generally, as to the unsatisfactory manner in which those Judges were paid, and to the question of fees extracted from the suitors of those courts. He hoped that his noble and learned Friend would be able to propose some satisfactory remedy for those evils. He must say he differed entirely from those who said that this Session would have passed without any measure of importance for the amendment of the law having been carried. He trusted that the Summary Jurisdiction Bill, the Charitable Trusts Bill, and the Leasehold and Settled Estates Bill—three most important measures—would be passed into a law in the present Session. Parliament had already passed the Bills of Exchange and Promissory Notes Bill, another most important measure. If all those measures be passed, he could not certainly be of opinion that the Session had been barren of any measures for the improvement of the law.

THE LORD CHANCELLOR said that, of course there could be no objection to the Motion for the Return desired by the noble and learned Lord. With respect to the question put to him regarding measures now pending in the other House—as to the Summary Jurisdiction Bill, he was as confident of its passing as he could be of anything not within his personal control. He had communicated a few days ago with the Home Secretary, who stated that he had no apprehension on the subject of the passing of that Bill. It was true that, like other measures, it was suspended for the moment in a way that naturally gave rise in the mind of bystanders to apprehension that this suspended animation might be a permanent suspension; but neither himself nor the Home Secretary had any apprehension that it would be permanently dropped. It had gone through a Select Committee of the House of Commons, who had taken great pains in its consideration, and that circumstance afforded some guarantee that the House of Commons did not intend to let the measure drop. After receiving alterations and, he trusted, improvements in the Select Committee, the Bill had been committed in the House of Commons, and seven or eight clauses had been gone through; and it was only owing to the pressure of other business that it had not been proceeded with further. He had entire confidence that it would become law before the end of the Session. With regard to the other criminal measures, he had not the same confidence about them. With regard to one of the more important measures, that for the more frequent trial of offenders, he felt assured that that could not pass during the present Session. The Bill was attended with considerable difficulties, inasmuch as it involved the consolidation, for the purpose of trials, of several counties together; without such consolidation it would be impossible to carry into effect any measure for the purpose desired, unless a material increase, in the way of which there would be great difficulty, were made to the number of Judges of the superior courts at Westminster. He had communicated with the Home Secretary on the subject, and could state that, though that Bill might not be passed, yet the Government had in contemplation to remedy, to a certain extent, by means of the prerogative, the deficiency the Bill was intended to supply, by sending more commissions than hitherto to the crowded counties during the winter. With respect to the Charitable Trusts Bill, it was the firm intention of the Government to press it through in the course of the present Session. It passed their Lordships' House after a careful consideration in a Select Committee, and he felt great confidence in its passing the other House. With respect to the Leases and Sales of Settled Estates Bill, that had been referred to a Select Committee of the House of Commons; and he had been assured by the Solicitor General that he had every confidence in its passing. It seemed that an apprehension had been entertained that the real object of the Bill was to give occasion for the enclosure of Hampstead-heath, but every one of their Lordships who were acquainted with the Bill knew that such an idea was absurd. However, to remove all objection on that score, the Solicitor General had framed a clause to exclude the possibility of such a proceeding taking place under the Bill. He quite agreed with his noble and learned Friend in thinking that, if those measures passed, the Session could not be said to be barren of measures of law reform. His noble and learned Friend had not said all he might of the Bills of Exchange Bill, which, if not his in form, was so substantially, for it was framed in accordance with a Bill introduced by him. If projects of more extensive reform were not carried this Session, it should be borne in mind that other matters of absorbing interest were agitating and occupying the public mind; but he hoped the country, making allowance for this difficulty, would give the Government credit for the Bills introduced, showing, as they did, that the Government were earnest in their desire to carry into effect measures of law reform.

LORD WYNFORD expressed his disapprobation of the intention which he understood existed to exclude an individual by name from the operation of the Leases and Sales of Settled Estates Bill.

THE LORD CHANCELLOR explained, that the clause intended to be introduced would merely provide that persons, who had applied to the Legislature for a certain object, and had been refused, should be left by the Bill as they stood before. He was not aware of any proposition having ever been brought before Parliament for the enclosure of Hampstead-heath.

Motion *agreed to*.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 30, 1855.

MINUTES.] NEW MEMBERS SWORN.—For Southwark, Right Hon. Sir William Molesworth, bt.; for Marylebone, Right Hon. Sir Benjamin Hall, bt.

PUBLIC BILLS.—2° Turnpike Acts Continuance (No. 2); Burials; Militia Ballots Suspension; Sale of Beer, &c.; Dwellings for Labouring Classes.

3° Excise Duties; Metropolitan Buildings.

LIMITED LIABILITY BILL.

[*Progress, 27th July.*] Order for Committee read.

House in Committee.

Clause 1.

MR. BOUVERIE said, he thought it was generally conceded that the minimum amount of shares should be 10*l.*, and he, therefore, proposed to fix the amount at that sum, which he considered a fair compromise, on the understanding that 20 per cent was to be paid up.

MR. BRAMLEY-MOORE said, he would offer no objection if the right hon. Gentleman would insert a clause that the whole amount of the shares should be paid up.

MR. W. WILLIAMS said, he did not wish to divide the Committee, and on the understanding that the Vice President of the Board of Trade would consent to provide that half the amount of the shares should be paid up he would withdraw his Motion, although he thought that 5*l.* shares fully paid up would be preferable.

MR. CAIRNS said, he considered that the amount of the shares should be unlimited, and was of opinion that no nominal amount should be inserted in the Bill, but that the Companies should be left to fix the amount of the shares themselves. On the bringing up of the Report he should move an Amendment to that effect.

VISCOUNT GODERICH said, he trusted that his right hon. Friend would not consent to the proposition that there should be as much as 50 per cent paid up.

MR. BOUVERIE said, he could not receive the concession of the hon. Member for Lambeth (Mr. W. Williams), for he thought it was sufficient that 20 per cent should be paid up.

Amendment, by leave, *withdrawn*.

MR. APSLEY PELLATT said, he did not see why the amount of shares should not be left entirely to the convenience of Companies.

MR. GLYN said, he regretted that the Vice President of the Board of Trade had changed the amount originally proposed, 25*l.*, and reduced it to 10*l.* He admitted that some compromise became necessary, but he foresaw that there was a class of the community—namely, shopkeepers in small towns, who would be injuriously affected by the change. The claims of that class of small shopkeepers had not been duly considered, and he was unable to discover what security had been provided to prevent petty Joint-stock Companies from being started in small towns, for the purpose of running down the petty traders.

MR. BASS said, he wished to take the earliest opportunity of explaining a point on which some misapprehension existed. He had been represented in *The Times* newspaper as being one of those large capitalists who were charged with having conspired together for the purpose of defeating the measure. He begged, first, to say that he was not a large capitalist, and, in the second place, to state that so far from opposing the measure, he gave it his cordial support.

The words "ten pounds" were then inserted.

MR. CAIRNS said, he would now move to insert the Amendment, of which he had given notice.

Amendment proposed, in page 1, line 12, after the word "each," to insert the words—

> "and any Company consisting of not less than six members associated together in partnership under a deed of settlement for any trading or other purpose (except banking or insurance), and having its capital stock divided into shares of such nominal value as aforesaid, transferable either with or without the assent of all the members, may obtain from the registrar of Joint-stock Companies a certificate of limited liability, in manner following, namely—"

His object was to prevent the exclusion of those Companies from the benefit of the Act the number of the members of which did not amount to twenty-five, as required by the Joint-stock Companies Act. If he were asked why he fixed six as the limit, his only answer would be that a line must be drawn somewhere, and there were seldom so many as six members in an ordinary partnership concern.

Mr. BOUVERIE said, he must oppose the Amendment, although he was willing to allow that it was entirely a question of degree; but the Committee would observe that the whole Bill was based on the Joint-stock Companies Act. It was essential to distinguish what was a Joint-stock Company and what was an ordinary partnership. The number of shareholders in a concern might be so numerous as to render it impossible to carry it on upon the principles of an ordinary partnership; and it was believed that any business in which there were more than twenty-five members would be unmanageable on those principles. The number of twenty-five shareholders, therefore, was the minimum of a Joint-stock Company. But the Amendment would reduce that minimum to six. He did not think Parliament was prepared to adopt such a proposal, and he should therefore oppose it.

Mr. ARCHIBALD HASTIE said, his objections to the Bill were entirely based upon the ground stated by the hon. Member for Kendal (Mr. Glyn)—namely, that it would give an enormous power to capitalists by which they might effect the ruin of very small traders; and if the Amendment of the hon. and learned Gentleman should be carried it would make it four times more easy for large capitalists to work mischief in that direction. He should therefore oppose the Amendment.

Mr. MALINS said, that a Joint-stock Company might even now consist of less than six partners, provided their shares were transferable without the consent of all the partners; he saw no reason, therefore, for objecting to the Amendment, which proposed that the Bill should apply to any partnership consisting of six members if they should choose to make their shares transferable without the consent of all the partners.

Mr. MITCHELL said, he should support the Amendment, because it would bring the Companies under the system of registration which was to be established by the Bill, but which was not to be adopted by the Partnership Bill.

Mr. BOUVERIE said, that under the Bill now before the Committee no person would be liable beyond the amount of his own share, but by the Partnership Bill a person who took any part in the management of the concern would be liable to the full extent of his property.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 27; Noes 39: Majority 12.

Mr. CAIRNS said, he would now move that the words in the clause, "of not less than 20 per cent" (being the amount to be paid up on the shares), should be omitted. The tendency of that provision would be to induce parties to have a smaller capital than that which was proper for their undertaking. Various modes might be resorted to by which that provision of the law might be evaded; and, so far from its being necessary for the protection of the public, it would, in his opinion, work very perniciously. It was much better to leave the Companies to judge for themselves as to what should be the amount of their capital, and what proportion of it should be paid up.

Mr. BOUVERIE said, it was the universal rule of Parliament to require the shareholders of railways and other Companies, before having the benefit of an Act of the Legislature, to pay up a portion of their capital. It was a provision intended to guard against bubble Companies, and it would at the same time afford a test that the Companies were established for *bonâ fide* purposes. He could not, therefore, assent to the Amendment.

Mr. CARDWELL said, he was sorry the right hon. Gentleman the Vice President of the Board of Trade resisted the Amendment. The security to the creditor of these Companies was not to be found in the amount of capital paid up, but in the amount of liability which remained under the terms of the Act, and which the creditors had the power to enforce. The Standing Order to which the right hon. Gentleman referred was no security whatever, as it was constantly evaded. According to the provision of the Bill, the shareholders would have to pay up whether the exigencies of the concern required it or not. Why should that be? But, suppose the money paid up, it could by various fraudulent devices be returned to them again. Or, suppose it were expended in the concern, in either case what additional security would the creditor have? By leaving the parties to act as they thought proper *inter se*, and at the same time requiring a register of their liabilities, and making that document the only evidence between the shareholders and the public, Parliament would give to the creditor a much better security than by insisting upon the paying up of any portion of the capital. Indeed, he regarded that portion of the capital which was not paid up a much better security than that which had been paid up. The Amendment of his hon. and learned Friend (Mr. Cairns) had three recommendations—it would leave the shareholders free to manage their own business; it would afford a greater security to the creditor; and it would prevent the waste of money in useless litigation.

MR. MALINS said, he was of the same opinion. He would advise the Committee not to interfere with the question of paid-up capital, which was purely a matter of settlement between the Company and the public. If a man were prudent he would inquire into the character of the Company before investing his money in it, and if he were not a prudent man an Act of Parliament would not make him one. In the event of the Amendment being rejected the amount provided should be paid up simply for the purpose of complying with the Act of Parliament, while there could be no security against its being again handed over to the shareholders. There was no sound reason why persons constituting a Company on the principle of limited liability should be required to pay up a portion of their capital, when any two or three persons might establish themselves into a Company on the principle of unlimited liability without being required to pay up a single shilling.

MR. GLYN said, he should oppose the Amendment, because it would enable parties to get up Companies without having any capital whatever.

MR. CAIRNS said, that finding there was not any very strong feeling in favour of his Amendment, he would not trouble the Committee to divide.

Amendment *negatived.*

Clause *agreed to;* as were also Clauses 2 to 6 inclusive.

Clause 7 (Members of certificated Companies to be free from personal liability.)

MR. CARDWELL said, that the question which had suggested itself to his mind was what remedy any creditor was to have against any shareholder in a Company, and what was the practical value of the register provided by the Bill. He submitted to the Committee that a case such as the following might be carried out any day by any set of persons who might desire to defraud their creditors. They might call up the whole of the capital of the Company, record that fact, and thereon the liability of all the shareholders would come to an end for ever, while the corporation would remain armed with the powers conferred on them by the Act. Then as to the capital; it could be returned to the pockets of the shareholders, so that the payment of the capital would have been a mere farce, the corporation still continuing in existence with the powers they receive under the Act. There would thus be no interest on the part of the shareholders to watch the conduct of the directors, the shareholders having received back their capital, and having no liabilities for future capital. Should they even share in the profits arising from the unscrupulous proceedings of the directors, they would be still exempt from any loss that might be incurred. As the Bill stood the registration of the liability of shareholders would be a delusion, and would be calculated to mislead the public who might entrust their money with those Companies. By the Amendment of which he had given notice, the partners in a concern would be left to pay up or not, as they pleased; they would have a greater interest in its solvency, and the register would show a creditor the precise amount of their liability. The provision was, upon the face of it, a departure from precedent, and would give rise to frauds, while his proposition would afford the necessary security to the public.

Amendment proposed, in page 4, line 22, to leave out from the word "liability" to the end of the clause, in order to add the words—

"shall be liable to pay the debts of the Company to an amount equal to, but not exceeding the nominal value of the greatest number of shares held by him at any one time within one year next preceding the date of the judgment or decree against the Company under which his liability is sought to be enforced."

MR. JOHN MACGREGOR said, he opposed the Amendment on the ground that it would impose a great hardship on the shareholders. The public were able to act for themselves better than Parliament could act for them.

MR. LOWE said, he objected to the right hon. Gentleman's proposition because it was directly opposed to the leading principle of the Bill, and did not leave debtors and creditors to themselves. He could not see the policy of creating a kind of floating capital which had never been subscribed by shareholders, which was never intended to be paid by them, and upon which the directors were not to trade. By the proposed Amendment persons joining a Company would have a liability imposed on them which they had never intended to incur, and the directors, after exhausting the fund upon which they could properly trade, would be enabled to fall back upon another fund upon which they might draw without the will or the knowledge of the shareholders. One great benefit of the Bill would be the destruction of funds at the disposal of the directors. The less credit those Companies had the better. People had no excuse for dealing largely with them upon credit. For those reasons he thought the proposition of the right hon. Gentleman very objectionable.

Mr. ARCHIBALD HASTIE said, the hon. Gentleman's observations proved that he knew nothing about credit; but he agreed with the hon. Gentleman that credit ought not to be given to the Companies which this Bill would call into existence.

Mr. BOUVERIE said, he strongly objected to the Amendment, as he thought it would give undue credit to Companies by enabling creditors to look beyond the capital of shareholders. One of its effects would be to prevent trustees from ever holding shares.

Mr. MALINS said, he thought the Amendment was contrary to the principle of the Bill and was fraught with mischief. After the passing of the Bill every one would have fair notice, that in dealing with a Company he had nothing to look to but the assets of the Company, and if a creditor did not get paid it would be his own fault. The limitation of the credit of Companies would be very beneficial.

Mr. MITCHELL said, the Bill, as it stood enabled directors to call upon shareholders for a larger amount than was necessary to carry out their undertaking, if the stock of the Company were fixed at that large amount.

Mr. CAIRNS said, no answer had been given to the case put by the right hon. Gentleman who moved the Amendment with regard to the opportunity for fraud which the clause would afford.

Viscount PALMERSTON said, he strongly objected to his right hon. Friend's proposal, on the ground that it would tend materially to prevent the Bill from having any practical effect, and would likewise deter persons with small capital from investing their money in such Companies. The effect of rendering a shareholder liable for double the amount he had invested in a Company would be to oblige him, if he were a prudent man, to keep in reserve and unemployed an amount equal to the capital represented by his shares. No man in business or in trade who wished to employ his capital to the best advantage would wish to do that, and, therefore, the only effect of the proposal would be to nullify the operation of the Bill. The Amendment proceeded on an assumption which he did not admit—namely, that all those Companies would consist of cheats and swindlers, and that all their creditors would be fools, incapable of taking care of themselves. He utterly denied that there was any foundation for that assumption—he was persuaded that those Companies would in general consist of honest, prudent men, who would look well after their own concerns, and it was the duty of those who had dealings with them also to look after their concerns, and not to give them credit to a greater amount than was justified by the state of their affairs.

Mr. CARDWELL said, he must deny that his Amendment was founded on the supposition that all Companies would be fraudulent and all their creditors fools. He had pointed out the possibility of the commission of fraud under the provision.

Question put, "That the words 'after such Certificate is granted,' stand part of the Clause."

The Committee *divided:*—Ayes 78; Noes 15; Majority 63.

The House resumed; Committee report progress.

EXCISE DUTIES—QUESTION.

Mr. HADFIELD said, he begged to ask the Chancellor of the Exchequer whether (in addition to the relief already granted and proposed to be given in the Stage Carriage, &c. Duties Bill) it was intended to relieve brewers and others (as well as their sureties) from the lien of the Crown on their real estates for duties due and payable, or not due, but in course of becoming due, in the ordinary course of business, before any actual default of the trader, or any suspicion of insolvency or embarrassment on his part, and to rely on the Crown to issue extents whenever any danger is apprehended, and thus to enable traders to deal with their property without the trouble and delay of obtaining consent of the Crown?

THE CHANCELLOR OF THE EXCHEQUER said, that brewers did not enter into any engagement with the Excise, and so far as they were concerned the question was inapplicable. As regarded maltsters, if they paid the duty, they were not called upon to enter into any bond. They were, therefore, free from any obligation to the Department of Inland Revenue if the duty were paid when it became due; but if they took advantage of the credit that was allowed for some months, they would have to enter into a bond to the Department of Inland Revenue. That course was necessary to secure the payment of the duty, and it was not consistent with the security of the revenue to wait until the danger should accrue, according to the suggestion of his hon. Friend.

BUSINESS OF THE SESSION.

VISCOUNT PALMERSTON: I wish, Sir, to call the attention of the House to the state of the business of the Session, and to make a proposal founded on the observations I shall address to the House. Reasons, which it is not necessary to dwell upon, render it desirable that this Session should close by the 14th or 15th of the next month. There are, however, a great many Votes of Supply still to be taken; and it is, therefore, difficult to say how long their discussion may last. Many hon. Gentlemen have given notices of Motion on going into Supply, and one day this week is to be employed on a Motion which has been forced upon us. Friday will, therefore, not be available for us unless the Gentlemen who have got possession of it will generously put off their Motions until next week. I propose to the House, therefore, that it shall pursue on this occasion the same course as it took last Session, and resolve that Orders of the Day should have the precedence of Motions on Tuesdays. There are one or two notices of Motions of considerable interest on the paper; but these Motions are for the purpose of affirming Resolutions, and as the Committees which they propose could not sit for practical purposes this Session, they are consequently, an appeal to the House to affirm an abstract opinion. I submit, therefore, that the opinion of the House might be taken after Supply. This will not affect the Session; but Supply determines the day when Parliament shall close, and every day it is postponed there is less and less prospect of the Session finishing by the day proposed. I appeal, therefore, to the House, that to-morrow, Orders of the Day should take precedence, for the purpose of going on with Supply, and that by this means we may have compensation for the Friday. I put it to hon. Gentlemen who have notices on the paper for to-night to withdraw them, on condition that they shall have an opportunity of taking the sense of the House on their Motions subsequently. I, therefore, move, that to-morrow Orders of the Day shall have precedence of Notices of Motion.

Motion *agreed to*.

ORDER OF THE BATH—NAVAL OFFICERS.

On the Question for going into Committee of Supply,

Order for Committee read.

Motion made, and Question proposed—"That Mr. Speaker do now leave the Chair."

ADMIRAL WALCOTT: Mr. Speaker, I am unable to accede to the appeal which has been made by the noble Lord (Viscount Palmerston), and, according to my notice, will now move for a copy of a Minute by the Board of Admiralty, dated July 2, 1846, which relates to the opinion of the Board as to the claims of certain officers to be recommended to the gracious consideration of Her Majesty for the honour of the Bath, who had highly distinguished themselves in action against pirates. I am fully impressed with the sense of personal difficulty which I incurred when I placed this Motion on the paper and now experience in addressing this House, but I cannot permit myself to be discouraged since it embraces the case of brother officers unable to speak for themselves; in justice to them, as much as to myself, who have all been most hardly treated, I now rise to prevent individual injury from being drawn into a precedent for extended injustice in the future. Let me not be misunderstood—allow me to start fairly ahead. I neither disparage the services nor grudge the happier fortunes of the more successful of my brother officers. In singleness of purpose I lift up my voice against a decision irreconcilable with justice and opposed to sound policy; one calculated to break down an honourable spirit of ambition. At the outset I will frankly inform the House that my own name is included with those of other officers in the Minute, and I will, at the same time, express a hope that from their experience of my conduct in this House, hon. Members will as frankly give me credit when I say that had the case stood otherwise I would, with equal feeling and earnestness, have moved for the return. The circumstances are these—certain officers who had been engaged in action with pirates, have been refused recommendation by the Admiralty to their gracious Sovereign for the distinction of the honour of the Bath, on the ground that their services had not been gazetted. But why? Because the action having been fought in time of peace, it was not then the custom to insert actions in a Gazette. Shortly afterwards this rule was rescinded and a Gazette given, and the officers promoted from the rank of lieutenant to that of commander; and the case of the first officer named in the Minute for which I am about to move (and not to mince the matter, to say that officer was myself), having been brought before the Board of Admiralty then presided over, in 1827, by his late Majesty as Lord High Admiral, one by his professional experience eminently qualified to arrive at a just, impartial, and influential judgment, did, in fact, recommend that the distinction of the honour of the Bath should be conferred upon that officer as if the service had been gazetted; but the Lord High Admiral having resigned his office before the recommendation could be carried out it remained in abeyance. Nothing further occurred till the year 1845, when other brother officers performed a similar service, and the Board of Admiralty, then presided over by Lord Ellenborough, and numbering among its members Admiral Sir George Cockburn, in a Minute dated July 2, 1846, expressed their hope that four officers, who had highly distinguished themselves in actions against pirates, should be eventually recommended for the honour of the Bath, further stating, that the number of companions allotted to the navy being at that time more than complete, it was only open to the Board to have that official Minute on record. I move, therefore, for the production of that Minute to establish the fact of this claim and title to that distinction. At least, let those officers have the consolation and melancholy satisfaction of bequeathing to their families a formal and public recognition of their services. If denied other memorials, let them possess a record that the distinction which they, in the judgment of a Lord High Admiral and of another Board had earned, had been by a succeeding one withheld from them by an adherence, it might be, to the letter, but assuredly in violation of the spirit of the Statutes of the Order. It is on the spirit of the Minute of July 2, 1846, these officers rely, and its production will be regarded as a mark of the sympathy of this House and prove a lasting memorial to those meritorious officers whose cause I have risen to advocate.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

"there be laid before this House, a Copy of a Minute by the Board of Admiralty of the 2nd day of July, 1846, relating to the opinion of the Board as to the claims of certain Officers to be recommended to the gracious consideration of Her Majesty for the honour of the Bath, who had highly distinguished themselves in action against Pirates," instead thereof.

Captain SCOBELL said, he had received no intimation that an attempt would be made to take his Motion off the paper for to-morrow, in which many officers were deeply concerned. He hoped, however, Government would place him in such a situation as would enable him to bring forward a subject which required more setting to rights, and in which there was more injustice than in any other subject which could be brought before that House. With respect to the question now before the House, he lamented, with the hon. and gallant Officer opposite, that the system of granting honours of the Bath was such that it debarred meritorious officers from sharing honours to which they were entitled by their gallantry. The hon. and gallant Officer opposite (Admiral Walcott) and three others had been recommended by His late Majesty, while at the head of the Admiralty, for the honour of the Bath, and the expectation had been held out since by the Admiralty. The House ought to know why that expectation had not been realised. In the matter of promotion it was essential to the efficiency of the service that the utmost fairness should be maintained; but if purity of principle was necessary in the matter of promotion, how much more so was it necessary in regard to the distribution of honours? He regretted that an order of merit had not been established—the same as was the case in France. But he would rather take a lesson from an enemy, and would, therefore, point to the rewards given to merit and valour, no matter the rank of the soldier, by the Russian Government. It was extraordinary there was such backwardness shown, such delay, in doing what was right and just on the part of our Government towards those who were dying daily—he spoke both for officers and soldiers—in the Crimea. With reference to the promise of King William IV., he thought that it ought to be carried out fairly, and in the way intended.

MR. HAYTER said, he must beg to explain that he had certainly intended to convey to his hon. and gallant Friend the Member for Bath (Captain Scobell) that it was the intention of the noble Lord to make the Motion at six o'clock which had just been agreed to; but he had never said, nor intended to say, that his hon. and gallant Friend had assented to the proceeding.

SIR GEORGE PECHELL said, he should be very glad if the hon. and gallant Admiral succeeded in his Motion, but he feared that objections would be raised that would cause its defeat.

SIR CHARLES WOOD said, that if there was any object in the Motion of the hon. and gallant Member (Admiral Walcott), it was to force upon the Admiralty, or upon himself as First Lord, to recommend to Her Majesty to grant the honour of the Companionship of the Bath to himself and to certain other naval officers. Now, he submitted that, inasmuch as the Sovereign was the fountain of all honour, that was a matter entirely within the province of the Crown, with which that House had no right to interfere. It had been urged very properly that it would be unconstitutional for that House to interfere and to dictate to the Government in reference to the promotion of officers, but how much more would the House be exceeding its constitutional functions if it interfered with that which was essentially the privilege of the Crown? He concurred with the hon. and gallant Officer behind him (Captain Scobell), that the grant of honours should be as pure as possible. But did the House think that the interference of Members of Parliament, either individually or collectively, could induce to that purity? His hon. and gallant Friend said that the hon. and gallant Admiral, and three other officers, had been recommended by King William IV., when Lord High Admiral, for these honours, on account of certain gallant services. Now, the House would be astonished to find that the services referred to were performed subsequent to the death of King William IV. King William died in 1837, and the first of those services performed—except that of the hon. and gallant Admiral (Admiral Walcott) was performed in 1839.

CAPTAIN SCOBELL begged to state that he had said that William IV., when Lord High Admiral, had held out the expectation that the services of the hon. and gallant Admiral would be rewarded with the honour of the Bath, and that subsequent Boards of Admiralty, in confirming that expectation, included two or three other officers who had performed other services of a like character.

SIR CHARLES WOOD said, he must maintain, however, that the House ought not to interfere to compel him to make the recommendation to the Crown. The hon. and gallant Admiral wished him to produce the Admiralty Minute to the House; but he (Sir C. Wood) did not think it would be right to produce it. He did not underrate the importance of the service of the hon. and gallant Admiral for which he claimed. That service, which undoubtedly exhibited great gallantry, was, he believed, performed so far back as the year 1823, and consisted of an attack upon certain Cuban pirates, twelve of whom were killed, a large number wounded, and several others taken and hanged. But the Admiralty, at the time, did not think the service of sufficient importance to require the bestowal of a special distinction, and it was hardly to be expected that, after so great a lapse of time, they could revise the opinion of the authorities who were in office when the service was performed. It was true that when King William IV. was Lord High Admiral, he recommended the hon. and gallant Officer to the Secretary of State for the honour of the Bath; but the Secretary of State of that day did not think it right to recommend an increase in the number of naval officers eligible to the companionship of the Bath, in order to extend that honour to the hon. and gallant Officer. A subsequent recommendation was made to another Board of Admiralty in favour of the hon. and gallant Admiral, but the Admiralty did not think fit to comply with that recommendation. The Minute to which the hon. and gallant Officer's Motion alluded, was made, it was true, by the Admiralty when Lord Ellenborough was First Lord; but if they thought the case was one in which the honour of the Bath ought to be given, they ought to have made their recommendation to the Secretary of State. In point of fact, however, the recommendation was not made until Sir Robert Peel's Government resigned. If the Admiralty of that day had really intended it to have effect they would not have waited until they were going out of office. But by the Statutes of the Order of the Bath it was impossible that the hon. and gallant Officer could be recommended for the honour for the services in question, inasmuch as under those Statutes it was indispensable that the service for which the honour was conferred should have been mentioned in the *Gazette*. That was not the case with the service—gallantly performed though it had been—which the hon. and gallant Officer had rendered, and he thought it scarcely desirable, after such a period had elapsed, that the House should interfere in such a matter. He trusted, also, that under the circumstances, the House would not think it necessary that the Minute should be produced.

ADMIRAL WALCOTT would say, on his honour, that his Commander in Chief (Admiral Sir Charles Rowley) did recommend him for the honour, and Lord Melville (the First Lord of the Admiralty at the time) did think him worthy of the honour. He was proceeding to comment on Sir Charles Wood's speech, when

MR. SPEAKER said, the hon. and gallant Admiral was not entitled to reply.

LORD JOHN MANNERS said, he had understood the Secretary to the Treasury to state that he had informed the hon. and gallant Member for Bath of the intention of the noble Lord (Viscount Palmerston) to move that on Tuesday the Orders of the Day should have precedence of Notices of Motion. If, therefore, the hon. and gallant Gentleman had been anxious to bring forward his Motion, it would have been very easy for the hon. and gallant Gentleman, or some of his friends who took great interest in administrative reform, to have attended at six o'clock, in order to oppose the Motion of the noble Lord. With regard to the Motion of the hon. and gallant Member for Christchurch (Admiral Walcott), he did not think the First Lord of the Admiralty had correctly stated the object of that Motion, or its effect if carried. It was not intended to effect anything by compulsion, but merely to have the Minute in question laid upon the table for the satisfaction and guidance of an honourable service, and in justice to the claims and feelings of the gallant officers concerned.

CAPTAIN SCOBELL said, he wished to contradict most emphatically the assertion that the Secretary to the Treasury had informed him of an intention to move that the Orders of the Day should have precedence of Notices of Motion.

SIR DE LACY EVANS said, that he believed that although according to the Statutes of the Order of the Bath an officer could not receive its honours under a certain rank, yet after he had attained that rank, he was eligible for the honour for services previously performed. He observed that in the recent distribution of the honours of the Bath many officers received the decoration whose services were not confined to the late war. He made no complaint of that, but as some of the older officers had now received the honour, it struck him that many others who were equally entitled to the honour had been forgotten. He knew one Admiral who had been mentioned in nine despatches, who had not received the honour, while younger officers had received it who had been mentioned only in one despatch. There were many officers in the army similarly situated who had rendered good service in former times, and who were aggrieved at being omitted. He had no desire to coerce the Admiralty and the Secretary for War, but he would suggest that if any revision was made by the two heads of the departments of the system of rewards for past services, the services of old officers although they had been performed some thirty years ago might be considered.

VISCOUNT PALMERSTON said, he would ask the House to consider the bearing of the Motion now under consideration, which was nothing but an appeal to the House from the Executive with regard to the distribution of honours which flowed from the Crown. Motions of that kind were very taking, especially when the subjects of them were officers distinguished for their services whom every one would be glad to see receive honours and distinctions, in addition to those which they had gained already. But it would be impossible to carry on the Government of the navy and army if it was not left to the Crown, under the advice of its Ministers, to decide who were and who were not to receive honours. What would that come to? There might be many instances in which officers might wish to bring their cases forward, and if it was understood that the decision rested with the House of Commons instead of the Crown, there would be a canvassing of Members, and proceedings of that kind which would be fatal to the interests of the service, and opposed to the proper functions of the House of Commons. He hoped with regard to the Motion of the hon. and gallant Member, especially as it appeared that the Statutes of the Order of the Bath were opposed to its object, that he would be content with the acknowledgment he had obtained of his own services, and that of other officers, and withdraw the Motion.

LORD HOTHAM said, he concurred with the noble Lord that it was not desirable for the House of Commons to take into their hands a prerogative which at present rested with the Crown. He wished, however, to suggest with regard to the new Order of Merit that the rules should be drawn up so that the cases might be intelligibly known in which rewards would be conferred. In the case of a large army, some generals of division might recommend officers by wholesale; others might only recommend those officers who had performed signal and special services; while others might say that, where all had distinguished themselves, they did not think it right to mention any particularly. The result of that system was, that officers were subjected to great injustice, for officers frequently put forward claims to rewards of various kinds, on the ground that they had been mentioned in official despatches. He knew that great heartburning had been occasioned, because, in the distinctions which had been bestowed, the claims of officers who had behaved most meritoriously during the late war, and who had been almost constantly employed ever since, had not received the attention they deserved. He hoped, as a new Order of Merit was about to be established, that the distinctions would be bestowed in such a manner that the public might fully understand the grounds upon which they were conferred.

SIR GEORGE TYLER said, he thought the First Lord of the Admiralty had insinuated that his hon. and gallant Friend (Admiral Walcott) and others were not entitled to the Order of the Bath. Now the fact was that his hon. and gallant Friend had been recommended for the Order, and in 1834, in answer to a letter which he had written to the Government, he had received the following reply—

"FROM THE RIGHT HON. SPRING RICE, SECRETARY OF STATE FOR THE WAR DEPARTMENT, TO CAPTAIN WALCOTT, R.N.

"Downing Street, Oct. 31, 1834.

"My Dear Sir,—I have to acknowledge the receipt of your letter of the 15th September, and can assure you that every disposition has existed on my part to further your claim to the third-class of the Order of the Bath, strengthened as it is by the strong recommendation and the high testimony borne in your favour by his Majesty when Lord High Admiral. The determination, however, to which his Majesty has come, to diminish the number of the naval companions of the Bath, precludes the possibility of your name being submitted at the present moment for the distinction, and I can only hope that some future opportunity may occur of placing you in that position for which you have been deemed by his Majesty so highly eligible.

"T. SPRING RICE."

His hon. and gallant Friend did not come there to ask for the Order which everybody knew he was entitled to. At the same time his hon. and gallant Friend felt, that when the Order was extended his case ought to have been taken into consideration. He trusted the claim of his hon. and gallant Friend would not be overlooked.

COLONEL NORTH said, he hoped that the new Order of Merit would include those officers who had distinguished themselves in the Peninsular war, and who had been excluded from the Order of the Bath. Although it was the fashion to sneer at Peninsular officers, there were many of them now who had shed their blood in the service of their country who had received no such decoration as the Order of the Bath. There was the present Military Secretary at the War Office, Major General Yorke, who had received the war medal for the Peninsula with ten clasps, and the Waterloo medal, and had served in America and at the Cape; there was the officer at the head of the Quartermaster General's Department, General Freeth, who had received the Peninsular war medal and two clasps; there was General Lovell, a most distinguished cavalry officer, who had received the Peninsular war medal with eleven clasps; and Colonel Derinzy, who had received the war medal with nine clasps, and the gold medal for Toulouse; none of these had received the decoration of the Bath. Many of the best Peninsular officers had been thus passed over. Why had none of them been made field-marshals? We had one or two honorary field-marshals; but look at the case of that officer who commanded the cavalry through the greater part of the Peninsular war, and who took the fortress of Bhurtpore, which was called the Gibraltar of India, who had on two occasions received the thanks of that House in person for his services, besides being raised to the peerage, who was the senior Grand Cross of the Bath, and the second general on the list. Was not he entitled to the rank of field-marshal? for such were the services of General Viscount Combermere. He hoped that in any Order of Merit, those who had served in the Peninsula, and had received no honours, would be included.

Mr. ALCOCK said, as the Motion of the hon. and gallant Member for Bath (Captain Scobell) with regard to promotion in the navy was postponed, he wished to make an observation on one point, and that was with regard to death vacancies in the navy. The Report of the Commission on the army and navy which sat in 1840, stated that death vacancies in the navy was an equivalent for the system of promotion in the army. He would beg to point out that that was not the case, there were several cases recently in the Black Sea and the Baltic in which promotion did not go by seniority in the case of death vacancies. It was not therefore true, as stated by the Report of 1840, that the death vacancies went by seniority. He hoped the Admiralty would give their attention to that point, and recollect that no officer in the navy under the rank of post captain could get his promotion by seniority, as in the army.

Admiral WALCOTT said, he would not detain the House any longer with the subject; and, although he would not withdraw his Motion, he would consent to its being negatived. He would, in conclusion, tell the Admiralty, that they might break his heart, but they should not break his spirit.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

PAROCHIAL SCHOOLMASTERS (SCOTLAND).

Mr. ELIOTT LOCKHART said, he was desirous of calling the attention of the House to the serious inconvenience that would arise from the Act for regulating the salaries of the parochial schoolmasters of Scotland being allowed to expire without any further provisions being proposed by the Government to meet the extreme urgencies of the case. The present Act, which continued the salaries of the parochial schoolmaster as last regulated under the provisions of the 43 *Geo.* III. would expire at Martinmas next. That rendered it necessary that a Continuance Bill should be introduced, for if the salaries were again to be regulated under the provisions of the Act which he had cited, they would be reduced one-fourth. He hoped, therefore, that the Prime Minister would reconsider the question and offer no objection to the Bill which he (Mr. Lockhart) proposed to introduce even at that late period of the Session.

The LORD ADVOCATE said, that the state of the matter was as follows. The schoolmasters' salaries, which were payable half-yearly, would be paid next November upon the old conversion, and would not suffer any diminution under any circumstances. If the hon. Member chose to bring in a Continuance Bill, he had better do so next Session, when the House would have three months to consider it, as the diminution of salaries would not take place until May next, than bring it in now, when only a fortnight remained of the Session. But it was very desirable that the schoolmasters should not depend on a Continuance Bill from year to year. The Act of 1803 certainly contemplated that the salaries of schoolmasters should be subject to the fluctuations of the price of corn, and they had no ground for asking to be protected from the effects of a fall of prices; but he quite agreed that their salaries were disgracefully and scandalously low, and he had, therefore, been endeavouring during the present Session to pass a measure, which had been strenuously opposed by hon. Gentlemen opposite, to improve their condition and elevate their social *status.* Now, at the end of the Session, that Bill having been thrown out in the House of Lords, the hon. Gentleman came forward and said that they must consider the case of schoolmasters. He (the Lord Advocate) said, that a temporary measure would be a slovenly and disreputable mode of performing that great duty. His opinion was, that next Session, Parliament must deal with the condition of the schoolmasters for good, and not by a temporary measure; and with that view, probably a temporary measure only, if it were proposed by the hon. Member next Session, ought to be opposed. It was impossible to go on from year to year with a system of payment to the schoolmasters which was so parsimonious, and so discreditable to the country.

MR. F. SCOTT said, that the right hon. and learned Lord intended to let the salaries of the schoolmasters be reduced to the very *minimum*, unless they would submit to accept what the Government thought the best mode of dealing with the educational question. The right hon. and learned Lord on a former occasion, by voting against the Bill of the hon. Member for Perthshire (Mr. Stirling) had actually helped to reduce the scale of salaries; and now the schoolmasters would have the screw put upon them, to induce them to consent to the legislation of which they disapproved. He (Mr. Scott) would rather see downright open persecution, than see men subjected to that kind of slow torture by the Government which made such professions of sympathy with them.

Question, "That Mr. Speaker do now leave the chair," put, and *agreed to.*

House in Committee of Supply.

SUPPLY—CIVIL SERVICE ESTIMATES.

(1.) 3,858*l*., University of London.

MR. WISE said, he wished to make some observations upon the inconvenience of laying the Civil Service Estimates before the House at so late a period of the Session, and also to complain that Members never knew when Supply was coming on. It appeared to him that periods should be fixed for discussing each class, and that they should be proceeded with from day to day until the Votes were completed. The whole of the Army, Navy, and Ordnance Estimates, should be taken before Easter, and immediately after Whitsuntide the House should have an opportunity of discussing all the Miscellaneous Estimates. The present system of discussing them at the end of the Session was most injurious to the public interest, as by being delayed so late, a great many Members were absent; and the Government even must be inconvenienced, as a time could not be fixed for the introduction of the Appropriation Bill, which concluded the business of the Session. Some of those estimates were only delivered on the 27th of July, which had been ordered to be printed on the 27th of March. A document, which professed to be a comparison of the expenditure of the Civil Service between 1854 and 1855, and which was said to be presented in March, was only delivered three or four days ago, and as that document was of some importance, it ought to have been in the hands of Members at the commencement of the Session, or at all events at Easter. That return stated that we should save 87,000*l*. upon the Civil Services the present year. Now, he had analysed those accounts, and found that, although there might be a small decrease as compared with last year, there was an enormous increase as compared to any other previous year. The Estimates for the present year amounted to 6,556,963*l*., and last year to 6,644,781*l*.; but in 1853 to 4,802,184*l*., and in 1851 to 3,948,102*l*. These were times when the greatest economy at home was necessary. It must not be forgotten that 86,339,000*l*. had already been voted, and that at least 100,000,000*l*. would be required for the expenditure of the year. The people were prepared to carry on the war with vigour, to make large sacrifices, and to bear heavy burdens, so as to secure a successful termination to the contest in which the nation was engaged; but the strictest supervision of the public expenditure was expected, for the people now felt the pressure of increased taxes and of enormous local burdens, as well as of the great price of bread and other necessaries of life. He really thought, under such circumstances, that the Government might withdraw many of the Votes now asked for. In class No. 7, about to be discussed, there were many items that might be rejected or postponed without any injury to the public service. The Votes for special and temporary objects had greatly increased during the last few years. In 1844 the amount was 85,927*l*.; in 1848, 125,572*l*.; in 1853, 320,472*l*.; in 1854, 706,575*l*.; and now we were asked for 756,169*l*. Some of the items were really "too bad." The British embassy at Constantinople had cost 86,650*l*. after an estimate of 30,000*l*. had been submitted to Parliament, and now we were asked for 4,578*l*. more. Then 90,000*l*. was asked for a new Foreign Office, and this was the first instalment of 585,000*l*. for a new Downing Street. The present was a most unfortunate time to ask for such an outlay; and the Votes for public buildings were the more alarming when it was recollected that the Houses of Parliament had already cost 1,812,000*l*., and that Mr. Barry wanted 500,000*l*. more for the completion of those buildings. The year before last the House voted 177,000*l*. for land at Kensington, last year they voted 140,000*l*. for Burlington House, and this year they were asked for 11,000*l*. for Buckingham Palace. Very large sums had been spent in the improvement and decoration of the metropolis out of the national funds, and it appeared to him as most unjust to vote 260,000*l.* for Battersea Park and 110,000*l.* for Chelsea road and embankment, whilst counties were obliged to maintain their own asylums, prisons, bridges, and militia barracks. He thought there might be a great reduction in our colonial expenditure, and he hoped that the right hon. Baronet (Sir W. Molesworth), whom he congratulated upon his appointment as Secretary of State for the Colonies, would now realise his assertion that out of 4,000,000*l.* expenditure, we might save at least one. But not a Vote on the paper promised an immediate change of policy. After voting 45,000*l.* for the Orange River settlement, we were now asked for 40,000*l.* for educational and benevolent institutions among the Kafirs, and it was proposed that that sum should be voted for ten years. He doubted very much whether education would improve the Kafirs. He thought, too, that the sum of 16,720*l.* for the assistance of emigration might as well be spared in these times, when it was advisable to give as little encouragement to emigration as possible. He trusted the Government would seriously consider the Civil Service expenditure during the recess. The nation was engaged in what he believed would prove a long and serious struggle. The national debt amounted, last January, to 751,000,000*l.* They had raised 16,000,000*l.* by loan, this year, and had commenced the system of subsidy, which would probably go on for years, if the people could bear it, and the Parliament would support such a system of carrying on the war. He hoped the Government would do all in its power to reduce the expenditure at home, and would either allow the Estimates to be submitted to a Select Committee early in the Session, or if that course were regarded as inconvenient, that they would be laid before the House early enough in the Session to allow Members some time for the investigation of them before they came on for discussion. He wished also the accounts to be arranged so as to be understood by such persons as himself, and not to be so mystified and intricate as to give one more trouble than hunting out a cross-country journey in Bradshaw's Guide. In one department with which he was best acquainted—he meant the diplomatic and consular services —the Estimates were of so fragmentary a character as to be scattered over six classes. The diplomatic salaries were charged on the Consolidated Fund, and the consular salaries were in the Miscellaneous Estimates; and then he found in various parts of other Estimates charges for churches and chapels, for consuls and ambassadors' outfits, contingencies, superannuation, and miscellaneous, and other charges for different expenses belonging to the service. Now, all the different charges for one department should be put into one Vote, so that Members might see at once the expenses of each service. He would conclude his observations by asking the Secretary of the Treasury four questions. First, why the two documents which had been lately delivered, and which were ordered to be printed in March, were not delivered sooner. Secondly, why the Civil Service Estimates had increased so much of late? and further, whether the Government had any intention in future Sessions to refer the Civil Service Estimates to a Select Committee, and if not, whether some arrangement could not be adopted whereby more time for consideration would be afforded.

Mr. WILSON said, he would not follow the hon. Member through all the topics he had discussed, but would simply answer the questions with which he had concluded. The hon. Gentleman must be aware that the Civil Service Estimates constituted a special and entire branch of the Estimates; and before the first class of them was laid upon the table an order was taken to print the whole, but it was not customary to lay the last, class 7, which consisted of special and temporary services, upon the table until as nearly as possible the time when the Votes were to be taken. If those Estimates had been printed in March many things now included in them could not have been inserted, and must have then constituted Supplementary Estimates, which it was very undesirable to have to a greater extent than was absolutely necessary. The other paper to which the hon. Gentleman had alluded constituted an abstract and comparison of the whole, and could not of course have been made up until class 7 was completed. With regard to the increase of the Civil Service Estimates, it should be remembered that a tendency had been manifested of late years to remove many charges from the Consolidated Fund and place them in the Estimates of the year; and in many instances fees and such other sources of direct emolument had been abolished, and salaries had been substituted for them, payable out of the money voted by the House of Commons. By one Act of Parliament alone a sum of more than 1,500,000*l.* had been shifted from the Consolidated Fund to the Civil Service Estimates. The hon. Gentleman had also spoken of referring the Estimates to a Select Committee. Now, it was only three or four years ago that a Select Committee did sit upon the Civil Service Estimates, and published a very valuable Report; but an opinion had been expressed by those who were best acquainted with the subject, that if the annual Estimates were to be referred always to a Select Committee the action of the House of Commons upon them would become only nominal; the opinions of the Committee would be followed as a matter of course, and the House would lose all efficient control over that particular expenditure. As for the time at which they were brought forward the Government had endeavoured, ever since March, to get on with them as far as they could.

MR. W. WILLIAMS said, he must complain that they were now called upon to vote forty items, amounting to about 750,000*l.*, having had scarcely an hour to consider the matter, in consequence of the House sitting in the day time, and the Estimates having been delivered only on Friday or Saturday. He must also complain of the small attendance of Members, and so thin was the House that when the Chairman took his seat there were scarcely forty Members present. The delay in bringing on the Estimates arose entirely from mismanagement, and it sometimes occurred to him that the Estimates were brought on at inconvenient times, more from design than anything else. The Civil Service Estimates now amounted to 7,500,000*l.*, and yet, when the Duke of Wellington was Premier, and with a boroughmongering Parliament, those Estimates were only 2,000,000*l.* The total amount of the Supplies now amounted to nearly 100,000,000*l.*, and therefore the present was not a time to increase unnecessarily the expenditure of the country.

Vote *agreed to;* as were also the Votes

(2.) 7,952*l.*, Universities, &c., in Scotland.

(3.) 2,366*l.*, Queen's University in Ireland.

(4.) 9,552*l.*, Queen's Colleges in Ireland.

(5.) 647*l.*, Royal Irish Academy.

(6.) 300*l.*, Royal Hibernian Academy.

(7.) Motion made, and Question proposed—

"That a sum, not exceeding 2,600*l.*, be granted to Her Majesty, to pay the Salaries of the Theological Professors of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March, 1856."

MR. MIALL said, he should move, as an Amendment, "That the sum of 2,050*l.* for theological professors at Belfast, and for incidental expenses of the General Assembly's College at Belfast, be disallowed." He did not intend to utter a single reflection upon the characters of the professors of either of the colleges in question, or to take the slightest exception to the religious faith or discipline which they taught. He treated the matter simply and solely upon the general principle that they were not fit subjects for the House of Commons to deal with, and that the same principle should be applied to all theological institutions, whatever might be the creed which was inculcated in them. As some justification for the course which he proposed, he might state that the Dublin Synod of the Presbyterian Church, to which the Vote more especially referred, had adopted a petition against the Maynooth grant. He did not think, therefore, that those Gentlemen could take exception to the step which he suggested, inasmuch as, if what they had petitioned the House to do had been carried out, it would have been but a very partial adoption of a principle which was as applicable to themselves as to Maynooth. He objected to the Votes—in the first place because Parliament did not proceed upon any intelligible principle in granting them. He could understand the House saying that it would grant money to no establishment which did not teach the tenets of religious truth, but he doubted very much that the House of Commons was a fit tribunal to decide what was religious truth. If that course were not acted upon, however, it seemed to him that the only other consistent ground on which they could proceed would be to give the money of the State to all religious denominations indifferently. But he thought that that would be equally objectionable, and that they should come to a Resolution, therefore, to disembarrass the Estimates of the whole of those Votes, not troubling themselves with the religious teaching of the different denominations, but leaving every sect to support its own institutions. Independently of his objection to the principle, he also took exception to the details of the Vote. There were six professors in the college, and the whole number of students who benefited from that large staff, in what might be called the "Orthodox Theological College," was about fifty. There were two other professors of what he supposed might be called the "Heterodox Theological College," and he found that the whole number of students among those two learned Gentlemen was three. Of the forty-two theological seminaries in America one only had as many as six professors, three had five, seven had four, fifteen had three, and so on. He thought it was quite unnecessary that there should be more than three professors, namely, one for dogmatic theology, another for biblical criticism, and a third for Hebrew and the Oriental languages. Those items might well be swept away from the Estimate, for neither the United Presbyterian Church of Ireland nor the Presbyterians of England stood in any need of assistance from the House of Commons.

Motion made, and Question proposed—

"That a sum, not exceeding 550*l.*, be granted to Her Majesty, to pay the Salaries of the Theological Professors of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March, 1856."

Mr. CAIRNS said, that the opponents of all grants of that description ought to submit their views to the consideration of the House in the shape of some general principle, and ought not to make any particular Vote the battle-field for deciding the merits of their special convictions upon that subject. He should, therefore, decline to follow the hon. Gentleman into a discussion of the general question. He denied that the staff of professors in the college alluded to was extravagantly large, and he believed that those professors rendered very useful and important services. The number of students in the college was certainly small, but still it had increased every year since the grant was first given, and he believed there were now not less than eighty students. Six professors were not too many for eighty students, if they were to judge by the proportions observed in the colleges of the denomination to which the hon. Member belonged; for in those colleges the proportion of professors to students was as twenty-eight to 190, which was a figure much more striking than that of six to eighty.

Mr. W. WILLIAMS said, he did not see why those professors should be supported at the public expense. As to the defence that the institution was established by Sir Robert Peel, they had already passed a Vote in support of that establishment.

Mr. APSLEY PELLATT said, that the colleges of the denomination to which the hon. Member (Mr. Miall) belonged were scattered all over the country, for the convenience of the young men attending them, and that they had three professors each. They could scarcely do with less than three each. The proportion of twenty-eight to 190, therefore, was not really so correct as if there were only one college instead of several.

Mr. W. J. FOX said, he thought it unjust to charge the opponents of the Vote with not bringing forward the abstract question of voluntaryism, for every one knew how indisposed that House was to discuss abstract principles. If a Member brought forward an abstract question, he was asked why not urge upon the House something more practical? and then, when he took that course, he was charged with taking up mere matters of detail. He thought it inconsistent that so powerful and wealthy a body as the General Assembly's College at Belfast should claim and receive aid from the State.

Mr. HADFIELD said, that was the only class of Nonconformist Protestants in the United Kingdom who received one single shilling from the State, and yet, what made it all the more objectionable, they were, according to their numbers, the most wealthy of any sect of Dissenters. He thought it scarcely honourable for them to come to the House of Commons for the support of their ministers, while for the State in that way to maintain Trinitarians and Unitarians alike, whose religious opinions were as diverse as it was possible to be, made good men bow their heads in shame.

Question put,

The Committee *divided:*—Ayes 29; Noes 77: Majority 48.

Vote *agreed to.*

(8.) 56,180*l.*, British Museum.

Mr. APSLEY PELLATT said he had given notice of his intention to move the reduction of the Vote by the sum of 12,000*l.* He considered he was justified in complaining that the Museum was open to the public only for three days during the week, and country visitors to the metropolis were therefore frequently unable to gain access to the establishment. Many of the continental museums were not open to the public generally on certain days, but he believed that even on those days strangers were admitted on payment of a trifling fee, and he did not see why the same system should not be adopted in the case of the British Museum. He trusted arrangements might be made for opening the Museum to the public during five days of the week, and, in the hope that such arrangements might be adopted, he would not press his Motion.

MR. WILSON said, he would ask the hon. Gentleman to remain satisfied with the assurance given him last year, that every effort would be made by the Trustees to find increased accommodation both for pupils and the public in the new building.

MR. HINDLEY said, he should be glad to have some information regarding the new catalogue.

MR. WILSON: The hon. Gentleman must be aware that its preparation was indeed a herculean task; and therefore its arrangement must necessarily occupy a long time.

MR. GURNEY said, that in reference to what fell from the hon. Member for Southwark (Mr. Pellat)) he would have the Committee remember that the British Museum was a repository of scientific specimens, and therefore it was of the first importance that every opportunity should be afforded to students of examining them.

Vote *agreed to.*

(9.) 4,000*l.*, British Museum (Purchases).

MR. MACARTNEY said, he would beg to remind the Committee of what was said to have taken place at the time of the sale of the Bernal Collection. He had been informed that three Government agents attended there—namely, one for the Tower, one for Marlborough House, and one for the British Museum. The consequence was, these three gentlemen bid against each other, and the prices of the different articles were thereby very much enhanced. Now he begged leave to ask how was it proposed that the sum expended at that sale, reaching altogether to about 16,000*l.* was to be made good?

MR. WILSON said, it was totally contrary to the fact to say that the various agents employed at the sale bid against each other, and thus raised the prices of the articles; and in order to avoid even the possibility of such an occurrence, each department, before entering upon the sale was called upon to state what each of them wished to purchase; each at the same time giving in an estimate as to the value of the various articles, and where the same article was marked for purchase by two departments one of them had to yield its claim. In consequence, therefore, of being bound down by those regulations, the sum total of the outlay at the sale only exceeded by 50*l.* that which the Commissioners were authorised to make.

LORD WILLIAM GRAHAM said, he wished to know whether the report was true, that each of the agents employed received a per-centage upon the value of each article? for, if so, it was very evident that Government did not manage such matters as economically as private individuals.

MR. WILSON said, he would have the noble Lord remember that private individuals were invariably obliged to adopt the same course.

Vote *agreed to,* as were also the following Votes.

(10.) 27,520*l.*, British Museum (Buildings).

(11.) 500*l.*, Royal Geographical Society.

(12.) 6,409*l.*, Scientific Works and Experiments.

(13.) 2,985*l.*, Public Infirmaries (Ireland).

(14.) 1,295*l.*, Foundling Hospital.

(15.) 11,790*l.*, House of Industry.

MR. GROGAN said, he could not avoid remarking on what had been the conduct of the Government in reference to the Vote now before the Committee. The Committee would remember that some time ago an intention was announced on behalf of the Government to reduce the annual Vote by 10 per cent. each year, with a view to its gradual extinction. In consequence of that, on his (Mr. Grogan's) Motion a Select Committee was appointed last year, mainly consisting of gentlemen who usually supported the Government, to consider the justness of that decision. The consequence was, that after fully inquiring into the question, and after having gone into the minutest details, the Committee recommended that the grant ought to be continued in its integrity. Instead, however, of acting upon the recommendation of the Committee the Government actually appointed a Commission to revise and re-consider a subject which had been already referred for investigation to a select Committee of that House. Now he really believed thet such conduct on the part of the Government involved almost a breach of privilege, and he thought it was the bounden duty of the Government to offer some explanation of the circumstances. He hoped that the hon. Secretary of the Treasury would be able to explain why the Government refused the recommendation of the Committee.

Mr. W. WILLIAMS said, he was not at all surprised to hear the hon. Members from Ireland complain of not getting more of the public money. He thought that the people of the United Kingdom had every right to complain of the Vote of 20,000*l.* for the hospitals of Dublin. There would be some reason for it if it was for the benefit of Ireland generally; but it was only for the benefit of Dublin. At such a time as the present it was monstrous to pass such a Vote.

Mr. VANCE said, that the Vote was not asked for as a matter of humanity or commiseration—it was demanded as a simple act of justice. The Votes now under consideration were upon the Irish establishment before the Union took place, and was part of the contract that was then entered into when both countries were united. It would be nothing short of great injustice and robbery to deprive the city of Dublin of those Votes. The hon. Member for Lambeth (Mr. W. Williams), was wrong in saying the Vote was 20,000*l.*, it was only 12,000*l.*; but the Committee of that House recommended that it should be raised to 16,000*l.* The Vote, too, was not to benefit Dublin alone, but to benefit every part of Ireland; for it was to maintain a medical school which was perhaps the first in the world.

Colonel DUNNE said he must confess that he was one of those Irish Members who did not feel the slightest gratitude to the British Government for the money—simply because of the right of his country to have it. It was indeed but a small boon for a country that was so unequally and unjustly taxed as Ireland. The Schools of Medicine in Dublin were a benefit to the whole country, inasmuch as they raised a class of physicians far superior, generally speaking, to any in that country. The Government sent over a Commission of English physicians—who cared for them? The Irish people did not care for them. Well, they made a Report—and a precious Report it was—for they decided in directly the opposite way to the Committee of that House. So long as they required the gallantry of the Irish soldiers to fight their battles for them, they had no right to grumble at such trifling demands for the country.

Lord NAAS said, he was surprised at the hon. Member for Lambeth's opposition to the Vote, for if he took the trouble to look at the Report of the Committee last year he would have found that every one of his assertions were amply contradicted by all the witnesses that had been examined. There was one point to which he felt he might allude in connection with the subject—the amount of private charity practised in Dublin. Looking at its resources, and comparing its valuation with other towns, it would be found that the sums received from private charity exceeded any other town in the Empire. With regard to the matter of hospitals, there were 1616 persons in hospitals there, supported by private subscriptions, not in any way assisted by the State—being a far greater number than were supported in Edinburgh. He must express his regret at the course taken by the Government upon the subject. The Committee, which was composed of a large majority of English Members recommended an increase of the grant. The Government, finding it almost impossible to get over that Report, appointed a Commission, and endeavoured by a side wind to get rid of that Report. He maintained that it was an insult to their Committee to appoint a Commission. Such a course had never before been taken, and he hoped would never be again followed, as it had created great dissatisfaction and confusion.

Mr. BRADY said, having been a Member of the Committee which sat to inquire into those hospitals, he felt he would not be justified in letting pass unnoticed the observations of the hon. Member for Lambeth. The witnesses examined did not consist of surgeons and physicians, but of those who were connected with the schools of medicine in England; who were known to be men of first-rate attainments, and who had a perfect knowledge of those institutions in Ireland from having visited them, and from having pupils who had been transferred from those schools. One of them was Mr. Guthrie, who gave evidence strongly in favour of the maintenance of those schools. He had some knowledge of the Members of the Commission. One of them, no doubt, was a man rendered illustrious in respect to his knowledge of surgery, and whose virtues and honourable character no one could have a doubt of. He (Mr. Brady) had had an interview with Mr. South since his appointment to that Commission, and he had at all times admitted that the schools of medicine in Ireland had contributed greatly to the advancement of science and to the improvement of the medical profession. Mr. South was now a strong advocate for those institutions. He (Mr. Brady), therefore, contended that it was the duty of the Government to retain them.

MR. WILSON said, he thought he would be able to show that the Government had acted not only in accordance with the recommendations of the Committee, but also in the interest of those institutions. The Commission was appointed not to determine the amount of the grant, but to inquire generally into the institutions, with a view to their consolidation, if possible. The former Committee had recommended a gradual reduction of the grant; but when the Committee of last year had reported the reduction was arrested. The great object of the Commission was to show that the Schools of Medicine could be made more effective.

MR. MICHELL said, he could bear testimony to the value of the Dublin hospitals as places of medical education. They were vastly superior to the hospitals in England. The Dublin surgeons were far beyond the English surgeons in skill and science.

MR. GROGAN said, he must maintain that the Government had no right to stifle the Report of the Committee by a side wind. He felt he had only done his duty in submitting the matter to the Committee.

Vote *agreed to;* as were also the following Votes.

(16.) 500*l.*, Female Orphan House.

(17.) 1,215*l.*, Westmorland Lock Hospital.

(18.) 500*l.*, Lying-in Hospital.

(19.) 795*l.*, Dr. Stevens' Hospital.

(20.) 1,900*l.*, Fever Hospital, Cork Street.

(21.) 250*l.*, Hospital for Incurables.

(22.) Motion made, and Question proposed—

> "That a sum, not exceeding 38,953*l.*, be granted to Her Majesty, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1856."

MR. W. WILLIAMS said, he objected to the Vote. He was informed that the ministers of the Free Church of Scotland were a great deal better paid than those ministers in Ireland for whom the Vote was given; and he had no doubt if the Vote were withdrawn, judging from the ability of the congregations, that those ministers would be better paid. He should, therefore, move that the Vote of 38,953*l.* for nonconforming clergy be reduced to 366*l.*

Motion made, and Question proposed—

> "That a sum, not exceeding 366*l.*, be granted to Her Majesty, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1856."

MR. HADFIELD said, he should support the Amendment. While the Nonconformists of Ireland had raised, in fifty years, by voluntary contributions, 3,500,000*l.* for charitable purposes, they had been receiving from the public taxes between 400,000*l.* and 500,000*l.* Many of the congregations in Ireland paid their ministers less than 30, or even as little as 20*l.* a year. It was impossible to look upon those ministers without feelings of the greatest sympathy, while the scorn of the country would rest upon the congregations.

MR. KIRK said, that as the only Irish Presbyterian in the House, he must protest against such gross imputations. He denied that the conduct of the Irish Nonconformist was beggarly. Their claim to the Vote rested on a positive contract with the Crown in 1673; and the present Vote was actually less in amount than the value of the glebe lands which were then given up. The fact was, the opposition to the grant was brought forward by a society in London for the liberation of the Church from State control. He denied, however, that there was anything like State patronage or control involved in the grant. He found, from the Congregational Year-book of 1855, that out of 2,760 chapels belonging to that body, 1,400 of them were without ministers; while in Wales, out of 484 chapels, 150 were in a similar situation.

Question put,

The Committee *divided:*—Ayes 32; Noes 96: Majority 64.

Original Question again proposed.

MR. CHEETHAM said, he objected to the proposed addition to the number of ministers, and should move the reduction of the Vote by the sum of 415*l.* It was one thing to maintain the existing number of ministers; but it involved a new principle to add to them.

Motion made, and Question proposed—

> "That a sum, not exceeding 38,538*l.*, be granted to Her Majesty, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1856."

Lord NAAS said, he should oppose the Amendment, as calculated to interfere with the formation of new congregations. The Committee had already rejected the previous Amendment by a large majority, and in consistency it ought to support the Vote as it stood.

Mr. CAIRNS said, if the donation was necessary in the case of full-grown long-established congregations, it was ten times more necessary to young congregations. He should, therefore, oppose the reduction.

Mr. HADFIELD said, he objected to the amount paid to clergymen for attending Presbyterian prisoners.

Mr. MACARTNEY said, he must explain that the clergymen were bound to attend prisoners, and their duties extended beyond the performance of their spritual duties. It was greatly to the credit of Presbyterians that the number of prisoners was so inconsiderable.

Question put,

The Committee *divided:*—Ayes 36; Noes 86: Majority 50.

Vote *agreed to;* as was also

(23.) 6,384*l.*, Concordatum Fund.

The House *resumed.*

SALE OF BEER BILL.

Order for Second Reading read.

Mr. H. BERKELEY: I rise, Sir, to move the second reading of the Sale of Beer Bill. I am not about to make a speech. I rely entirely on the Report of the Committee. I think that the convenience of the public requires this Bill; the Committee was of that opinion, and if any Gentleman objects to the Bill, I hope he will take his objection on the third reading, and allow it to pass the second reading now.

Mr. HORSFALL said, he was aware that the Bill was brought in on the recommendation of the Committee, and he only rose to express his regret that the Committee should have come to the decision which they had on such *ex parte* evidence. The whole case had been heard on the part of the publicans, and nothing had ben heard on the part of the public. He believed a large mass of evidence was offered and was rejected, and under those circumstances he could only express his regret that the Committee should have made the recommendation which they had. He did not, however, intend to move the rejection of the Bill.

Mr. BRADY said, he rejoiced at the Bill being introduced, and he must express the happiness he felt at the favourable conclusion to which the Committee had come. He only wished to say that when the Bill of last year was brought on he was the only Member of the House who opposed it.

Mr. I. BUTT said, he wished to ask a question with regard to one of the provisions of the Bill. If, as he understood, it was founded on the Report of the Committee, one of its provisions appeared to him to be essentially at variance with the Report, and he wished to know whether it was accidental or intentional. The Report recommended that public-houses should be closed to one o'clock on Sundays, then open till three, then closed till five, after which they were to be open till eleven, but by the Bill as it was printed, it appeared to him, that publichouses might be open the whole day on Sunday until three o'clock. He wished to know if that was intended or not?

Mr. COBBETT said, that as one of the Committee, he wished to say that if the provision was as the hon. and learned Gentleman had stated it was entirely accidental. The recommendation of the Committee was that public-houses should be closed from twelve o'clock on Saturday night to one o'clock on Sunday, when they were to be open till three, then to be closed till five, and then opened till eleven, and that was intended to be the provision of the Bill. With reference to what had fallen from the hon. Member for Liverpool (Mr. Horsfall) who said that the case of the publicans had been gone into by the Committee, and the case of the public had not been considered, he could assure the hon. Member that the case of the publicans had been carefully excluded by the Committee. They from the first took the arrangement of the case into their own hands, with the view to its being conducted as they thought it should be; and they called before them the principal magistrates and the Commissioners of police, who, with one or two exceptions, were the only persons examined, and the case of the publicans was not entered into, it being intended that the examination should go only into the case of the public.

Mr. FREWEN said, he wished to inquire whether any practical good would arise from going on with the Bill, which would most likely be rejected in another place on the ground that it altered a Bill passed last Session, which could not be said to have had a sufficient trial.

Sir GEORGE GREY said, he wished to say one word with reference to what had fallen from the hon. and learned Member for Youghal (Mr. I. Butt). With all deference to the hon. and learned Member's legal knowledge, he thought that the Bill would not interfere with the Act by which public-houses were closed during the whole of Sunday morning There was another provision of the Bill which he thought should be considered in Committee—that which gave an appeal from the conviction of a magistrate. That was not recommended by the Committee; and it was doubtful whether such an appeal should be given, when it was not given in other Acts relating to the same subject.

Bill read 2°.

PAROCHIAL SCHOOLMASTERS (SCOTLAND).

Mr. ELIOTT LOCKHART moved for leave to bring in a Bill to continue the Act for regulating the Salaries of the Parochial Schoolmasters of Scotland.

The LORD ADVOCATE said, he should oppose the Bill upon the grounds he had stated earlier in the evening.

Motion made, and Question put—

"That leave be given to bring in a Bill to continue an Act to regulate the Salaries of the Parochial Schoolmasters of Scotland."

The House *divided*:—Ayes 6; Noes 18: Majority 12.

The House was adjourned at a quarter before Two o'Clock.

* * *

HOUSE OF LORDS,

Tuesday, July 31, 1855.

Minutes.] Public Bills. — 1ª Metropolitan Buildings; Excise Duties; Passengers Act Amendment.
3ª Slave Trade (Sherbro).

THE GRANT TO THE ROYAL SOCIETY.

Lord BROUGHAM said, he wished to draw the attention of the noble Lord the President of the Council to a report, which he believed was not unfounded, of the withdrawal of the grant of 1,000*l.* per annum which had been for the last four or five years voted by Parliament to the Royal Society for the promotion of science. The most eminent men concurred in saying that the utmost possible good had been achieved by the outlay of this very moderate sum in the advancement of science. He might be told by some that the expenditure of war had come into competition with that of peace, and that it was, therefore, no longer expedient to continue this outlay; but that was an argument which he regarded with perfect disdain—Parliament had voted—and wisely voted—nearly 80,000*l.* for the promotion of the arts and the diffusion of science during the present Session. While upon this subject he would read a letter from a most learned friend of his, now in Paris, relative to the Exhibition. His friend had expected to find the Exhibition a failure, as, indeed, it was at first; but he said he had been most agreeably disappointed, as he found it in all respects superior in its general appearance and in the number and variety of the articles shown to the Exhibition in Hyde Park. The French and other continental nations had, according to this gentleman, made the most extraordinary progress in steam-engines and machinery, and his correspondent added, that notwithstanding the progress our manufacturers had made in some of the departments of art, he was mortified to see what a poor figure we cut in the department of philosophical instruments. All the prizes were given to foreigners, and he understood the English jurors intended to make a representation to the Government on the subject. He (Lord Brougham) thought that statement showed in the strongest way the necessity of continuing those grants for the promotion of science and the diffusion of the arts.

Earl GRANVILLE said, it was not remarkable that his noble and learned Friend, who possessed such great scientific attainments, and had taken so active a part in the promotion of science in this country, should view with surprise and some indignation the withdrawal of the annual grant from the Royal Society. His noble Friend behind him (the Duke of Argyll) and himself had heard the statement of that circumstance, at a meeting of distinguished gentlemen connected with science, in a speech of that illustrious man Professor Owen. The point of that speech was the neglect of science and scientific persons by the Government, and its climax was the statement of the withdrawal of the yearly grant of 1,000*l.* from the Royal Society. His noble Friend and himself were then unacquainted with the details of the matter, but he would mention a circumstance to show that everything which could be done was done on the part of his colleagues to promote the interests of scientific men. Professor Owen's son, a well educated young man, was desirous of obtaining a clerkship in the Foreign Office, a place, as their Lordships were aware, which was very much coveted, and his noble Friend the Secretary for Foreign Affairs, without any acquaintance with Professor Owen, but owing entirely to the great fame he had acquired from his scientific attainments, presented him at once with the appointment. The noble Duke and himself left the meeting at which they had heard of the withdrawal of the grant in a state of great indignation; his noble Friend fired off a letter to the Prime Minister; and he (Earl Granville) applied to the lesser gods of the Treasury, when he was made acquainted with the state of things which he would now lay before their Lordships. In 1850 the Royal Society, through their president, Lord Rosse, applied to the Government for assistance to enable them to carry out some special and, as it was understood, temporary objects connected with science, and the Government, instead of bringing the subject before Parliament, gave the grant out of the limited fund known as the "Queen's bounty," which was more properly devoted to charitable purposes. Year after year a similar application was made, and in the beginning of May last the President wrote for a renewal of the grant. He would read the answer to that application, which would show that there was no warrant for the feeling which had been created in reference to this subject—

"The Lords Commissioners of Her Majesty's Treasury having had before them your Lordship's application on behalf of the Royal Society for the annual grant of 1,000*l.* placed at the disposal of the Royal Society for scientific purposes, I am directed to state that, although special grants, amounting in the whole to the sum of 4,000*l.*, have been made from time to time, in the first instance for special and temporary objects, to the Royal Society out of a fund very limited in its amount, which is more properly applicable, and is otherwise applied, to charitable purposes, my Lords are not aware of any understanding for making an annual grant to the Royal Society for scientific purposes out of the public funds, and at the present moment the more urgent and legitimate demands upon the fund from which the above-mentioned donation has been made to the Royal Society do not permit their Lordships to make any grant out of it for scientific purposes. If, however, the Royal Society, looking to the immediate importance of the objects for which a grant of public money is applied for, and to the insufficiency of their own funds to enable them to accomplish them, are of opinion that their claims upon the public funds are such as Parliament would undoubtedly recognise, my Lords will be prepared to take into their consideration any representation which the Royal Society may make to them with that object."

A month's delay took place before the Royal Society returned an answer to this communication. That answer was only received yesterday, and the Government had not, therefore, yet had time to consider it; but he might state that it would receive the most favourable consideration. He made this statement, because he thought it was necessary to clear the Government; but he hoped he had said nothing which would induce his noble and learned Friend to refrain from pressing the claims of science from time to time upon any Government which might be in power. With regard to the latter part of his noble and learned Friend's speech, the universal opinion in 1851, expressed in public meetings, in periodicals, and in the public press, was, that, notwithstanding all our skill and energy, in the application of the principles of art to our manufactures we were very much behind other European nations. This was to be attributed to the ignorance of our manufacturers, and no doubt, in a greater degree, to the ignorance of the purchasers of articles. Our Government had, then, done nothing to get rid of that ignorance, while the principal continental Governments had for more than fifty years spent large sums in collecting objects of art and science, and in establishing scientific and industrial institutions. He was glad to find that his noble and learned Friend confirmed the statements he had heard, both from Frenchmen and Englishmen, with regard to the very remarkable progress we had made in this respect, as shown by the articles now exhibiting in Paris. He thought that progress must be attributed in some degree to the careful attention which had been paid to the subject by some of the departments of the Government, and by the principal manufacturers. He might state, in conclusion, that there was no rivalry whatever between the separate departments of science and art, and he thought it was the duty of the Government to encourage both.

LORD BROUGHAM said, nothing could be more satisfactory than his noble Friend's statement. He assured his noble Friend that he would never lose sight of the necessity of pressing upon the Government the encouragement of science and art.

THE DUKE OF ARGYLL said, that, early in the proceedings of the meeting to which his noble Friend had referred, he (the Duke of Argyll) had made some observations with respect to the assistance given by Government to objects connected with science and art, and his observations had elicited from Professor Owen the statement as to the withdrawal of the grant. He mentioned this circumstance in order to do away with the impression that Professor Owen had made a gratuitous complaint against the Government.

EARL GRANVILLE said, he had not the slightest intention of making any such complaint against Professor Owen.

METROPOLIS LOCAL MANAGEMENT BILL.

House in Committee (according to Order).

Clauses 1 to 13 *agreed to*, with Amendments.

Clause 14, relating to the mode of taking the votes at elections,

THE MARQUESS OF SALISBURY proposed an Amendment, that the votes for vestrymen and auditors should be taken by means of voting papers transmitted to the ratepayers by post, and returned in the same manner.

On Question, their Lordships divided:—Content 19; Not Content 23: Majority 4.

Clause 49,

THE EARL OF POWIS moved the insertion of the following proviso:—"Provided always that such chairman shall not be eligible to sit or serve in Parliament." His object was to prevent the office from degenerating into one of a political character.

THE MARQUESS OF SALISBURY supported the proviso. The Secretary of State might select a Member for Marylebone for the office of chairman. Nothing could be more fatal to the operation of the Bill than having a Member of Parliament for the Chairman of the Board.

EARL FORTESCUE concurred in the objection.

EARL GRANVILLE declared that there was no precedent for the exclusion of a Member of Parliament from such an office. The Lord Mayor might sit in Parliament.

THE MARQUESS OF SALISBURY said, the mayoralty was an annual and elective office; the chairmanship was permanent, and the Secretary of State was to appoint to it.

Earl GRANVILLE and Lord WODEHOUSE opposed the Motion, which was negatived without a division.

Amendments made; the Report thereof to be received on Thursday next.

OFFICE OF SPEAKER BILL.

EARL GRANVILLE *moved*, to resolve,

> "That as regards the Office of Speaker Bill, which provides for the Performance of certain Duties of the Speaker during his temporary Absence from the House of Commons, inasmuch as the House of Commons considers the Provisions of the said Bill necessary for the better Regulation of its own Proceedings, the Circumstances which render Legislation on the Subject Matter of the said Bill expedient are, in the Opinion of this House, of such Urgency as to render the immediate Consideration of the same necessary."

Agreed to; and Bill read 2ª (according to Order), and *committed* to a Committee of the Whole House on *Thursday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 31, 1855.

MINUTES.] PUBLIC BILLS.—1° Public Health Act (1854) Continuance and Amendment; Nuisances Removal, &c., and Police of Towns (Scotland); Diseases Prevention.

3° Passengers Act Amendment; Turkish Loan; Customs Laws Consolidation.

COMMISSARIAT SUPPLEMENTARY ESTIMATES.

MR. LABOUCHERE said, he wished to call attention to the fact that the Supplementary Estimates for the Commissariat for the ensuing year amounted to 2,500,000*l*. The department had been recently transferred from the Treasury to the War Department, and he begged to ask his right hon. Friend the Chancellor of the Exchequer if papers would be submitted to the House to enable them to judge of the system under which the money would be expended? In voting so immense a sum, the House ought to see, as far as they were able, how it was to be appropriated. He was not without apprehension, the Treasury having been deprived of the control of the expenditure of that sum, that the money might be expended without any proper system being devised for its application. He was aware of the impropriety of pushing the system of routine too far, but, on the other hand, he could not allow a lax system of expenditure in a distant country to prevail without having due control over it. It would be satisfactory to him to hear from his right hon. Friend that his attention had been directed to such an important subject, and he hoped that if his right hon. Friend could not give them the information he sought for, documents would be laid on the table to show them the nature of the system on which they were proceeding. If that could not be done before they came to vote the sum in Committee of Supply, it would be a satisfaction to him to hear from one so competent to express an opinion as his right hon. Friend that he had been consulted, and was satisfied that the expenditure would be made in a manner that would afford the public every security that there would be no lavish expenditure, and that the accounts would be conducted in a proper manner.

MR. STAFFORD said, he was glad the right hon. Gentleman had called the attention of the Government to so important a subject. As long ago as the 18th of May last, Lord Ellenborough, in another place, made precisely the same statement, and uttered the same complaint which the right hon. Gentleman had now made; the noble Lord deplored that Parliament and the country were without information as to the manner in which the Commissariat was to be administered, and said he apprehended that at present no one stood between the Minister of War and the chief clerk of the Commissariat Department. He (Mr. Stafford) deeply regretted that Parliament had arrived so near the termination of the Session without having had a statement laid before it with regard to the organisation of the War Department. More than a year since the Secretaryship for the Colonies was separated from the Secretaryship for War, or rather a fourth Secretary of State was appointed; and from that period to the present all they knew of the organisation of that important department was derived from the statements of the Duke of Newcastle and Mr. Sidney Herbert before the Sebastopol Committee, both of whom declared that they knew nothing of the arrangements, and that during their tenure of office they had gone on, notwithstanding the warning of the noble Lord the Member for London (Lord J. Russell) without organising any plan; in fact, although Parliament had voted the money for carrying on the war with unsparing liberality, they were still in utter ignorance with regard to the arrangements that had been made for conducting that department. He hoped the right hon. Gentleman (the Chancellor of the Exchequer) would say when the Government would be able to give an ample and explicit statement of the changes which had been effected in the War Department, especially with regard to the financial position of the Secretary for the War Department.

COLONEL DUNNE said, that some time ago he had taken the liberty to ask for information as to the re-organisation of the War Department; and it appeared that there was a department called the "Army and Civil Department;" and anybody could see that such an arrangement would not work. He felt assured that he expressed the feeling of all men in his profession when he said that there was an utter disorganisation in the military departments; there had been a transfer of almost all the military departments, where military knowledge was necessary to civilians; and he predicted that from such a system there must come failure. They suffered under the great disadvantage, that they never could get a satisfactory answer to anything in the military way; and in the organisation, they had no definition of what was intended to be military and what civil. He saw many Gentlemen opposite who talked of Administrative Reform, and if they were sincere, they would pay attention to those Estimates and the re-organisation of the military departments, and force the matter on the attention of the Government.

THE CHANCELLOR OF THE EXCHEQUER said, it was his wish, and he believed generally the wish of the Government, to give the fullest information and satisfaction to the House with respect to the changes recently made in the War Department. One of those changes consisted, as his right hon. Friend (Mr. Labouchere) had correctly stated, in transferring the Commissariat from the Treasury to the office of the Secretary for War. He was necessarily himself personally ignorant of the expenses of the Commissariat, the whole duty of the Treasury now being that the funds should be sufficient to meet the demands of the different military departments. The demands of the Admiralty and War Departments and the whole of their detailed expenditure were under the control of those departments. The Estimates of the anticipated expenditure were sent to the Treasury for approbation before they were submitted to Parliament, but the expenditure was wholly conducted on the responsibility of the War Department, and it was merely the duty of the Treasury to see that the funds were in existence to defray the drafts on the Exchequer. With regard to what his right hon. Friend had observed as to the extent of the Commissariat expenditure, he would merely make one remark, that undoubtedly that expenditure was large; but the House should bear in mind that up to a very recent date, and even at the present time, the great jealousy of the public and of the House, was that all the wants of the army should be adequately supplied, even though those wants should be supplied at a great pecuniary sacrifice. No pains or expenses had been spared to supply all the wants of the army, both with respect to the supply of food and by making provision for the attendance of the sick on the field, and also in the hospitals that were remote from the scene of contest. The expenses were incurred at a distance, and were necessarily controlled with less efficiency than they could be in a time of peace. It must be anticipated that those expenses would be somewhat large; that was always the case in former wars, and was the necessary condition on which war was carried on. He had every reason to believe that all securities had been taken for controlling the expenditure of the Commissariat; but the transition from the control of one department to that of another must create some imperfection of arrangement, which it would take time and experience to remedy. The attention of skilled and experienced persons was now constantly directed to the subject; and if any information existed in a written form, it should be laid before the House. He was not, however, aware at that moment that there was any Report of the Commissariat, except of a nature that would give no information on the subject to which his right hon. Friend had referred.

SIR FRANCIS BARING said, with regard to the general constitution of the War Office, that was a subject which he conceived had better be deferred till next Session; but with respect to the transfer of the Commissariat to the War Department, he had some observations to make on that particular subject. It was his fortune to call attention to the subject at an early period of the Session. He then felt that the arrangement which had been made was deficient and would require further consideration. He considered that the Treasury, in transferring the Commissariat to the War Department, had transferred more than they ought to have done. The Commissariat did not relate to war expenses only, but to other expenses which had nothing whatever to do with the war. The Government, therefore, ought to have drawn a distinction between the two, and ought to have kept that portion of the Commissariat which had no relation to the war within their own hands. The War Department would have quite enough to do without superintending an expenditure which had no relation with the war. In that respect, therefore, the Chancellor of the Exchequer ought to revise the Minute by which that transfer of duty was made. In his mind that Minute betrayed a good deal of haste, and, no doubt, was considered the easiest way of getting rid of an onerous department. But let the right hon. Gentleman take a committee of persons accustomed to accounts. It was a mistake to suppose that it was a mere army arrangement. There ought to be some one employed who was capable of acting as a real check in keeping those accounts. No doubt there had been considerable difficulty in making the arrangements. They were unavoidable in the case of a change from a state of peace to a state of war. He was afraid, however, that they would get into still greater difficulties unless they instituted an inquiry into the matter. He would suggest that persons connected with the Commissariat and the army, should be employed to make arrangements, confining the department entirely to the Commissariat for the army, and he had no doubt that before next year they would get the department into the very best order. If something of that nature should not be done, his right hon. Friend was little aware of the difficulties in which he would get involved.

MR. HENLEY said, the House and the country must be greatly obliged to the right hon. Member for Taunton (Mr. Labouchere) for calling attention to such an important matter. They were about to have before them large Supplementary Estimates, and most of the discussion had turned upon the desirableness of having a sufficient check upon the expenditure of the money; but there was another point of still more importance that had not been referred to, which was, that unless there was a good and sufficient system in operation for supplying the wants of the army they would be expending enormous sums of money uselessly, and leave the wants of the army unsupplied. If a good system were adopted there would be no difficulty in keeping the accounts in a manner easily to be understood; whereas, if they proceeded hand over head, so that no man could foresee what might be needed or knew what was to be done, they would attempt to apply the system of checking vain. It would be an incumbrance rather than a help in the supply of necessaries to the army, and would very probably do considerable mischief. The statement of the right hon. Gentleman the Chancellor of the Exchequer was not of a very consoling character. So far as the War Department was concerned, it appeared that the Estimates were submitted to the Treasury before they came down to the House; but how far the sanction of those Estimates by a department that was not versed in the details could be regarded as of any value, he (Mr. Henley) could not so easily comprehend. It did not betoken a very accurate view of things when large Supplementary Estimates were required. We were not more at war now than we were four months ago, and he really thought that the whole amount might have been taken then. It was, however, impossible to discuss those matters at that period of the Session; and he confessed he was not without some apprehension, seeing that such large sums were to be voted without at the same time having any knowledge of the manner in which they were to be applied.

Mr. MACARTNEY said, that since the issue of the Supplementary Estimates for the Commissariat some anxiety had been evinced to know whether the Chancellor of the Exchequer was in such a position as not to be under the necessity of asking the House, in Committee of Ways and Means, to provide for the additional 5,000,000*l.* It would be satisfactory to ascertain whether the right hon. Gentleman proposed, in Committee of Ways and Means, to provide for that amount, or whether he conceived that he had a sufficient margin from the Ways and Means voted for the financial year to enable the Government to carry on the war, until the next meeting of Parliament.

The CHANCELLOR of the EXCHEQUER said, he thought that upon the whole it was not desirable to anticipate the discussion which would come on when the Supplementary Estimates were before the House, and when ample explanation would be given by the Gentlemen representing the several departments with regard to the details. As to the question of the hon. Gentleman (Mr. Macartney), if it should please the House to agree to the Supplementary Estimates, it would then become his (the Chancellor of the Exchequer's) duty to show that there was sufficient Ways and Means to meet them, for he need hardly say that it was perfectly useless for the House to vote Supplies unless they also provided the means of defraying the expenses. It was, therefore, a matter of absolute necessity that the Government should show that means were provided for meeting the Votes that might be agreed to. Without going into details he might add that, in submitting his annual financial statement to the House he allowed a margin of rather more than 3,500,000*l.* That margin, would not, however, be sufficient to cover the entire Supplementary Estimates; but at the time of proposing a vote of credit to cover the remaining portion of the Ways and Means he would state in what manner he proposed that the remnant of the Supplementary Estimates should be covered.

Motion *agreed to.*

House in Committee.

SUPPLY—MISCELLANEOUS ESTIMATES.

(1.) Motion made, and Question proposed—

"That a sum, not exceeding 100,000*l.*, be granted to Her Majesty, to defray the charge of Civil Contingencies, to the 31st day of March, 1856."

Mr. W. WILLIAMS said, the expenditure under the Vote now before the Committee had not for several years past exceeded 70,000*l.*; and, considering the abuses which had previously taken place, he felt bound to move that the Vote be reduced by 30,000*l.* The Vote included 1,200*l.* for the Scotch Episcopalian clergy—an item which he considered very objectionable, especially as the Episcopal Church of Scotland numbered among its members many of the principal nobility of Scotland. Then there was also an item of 74*l.* 11s. 8*d.* for conveying bishops of the Established Church in the West Indies to and from different islands. He should move the omission of those two items, and another of small amount, in addition to the reduction of the entire Vote by 30,000*l.*

Motion made, and Question put—

"That a sum, not exceeding 67,969*l.*, be granted to Her Majesty, to defray the charge of Civil Contingencies, to the 31st day of March, 1856."

Mr. WISE said, he wished to call attention to the fees charged in the Estimates on the appointment of the Duke of Newcastle and some other individuals to State offices, and likewise to the fees charged on making knights, and did not see why the country should be called upon to pay those fees. He perceived there was a sum of 6,638*l.* put down in the Votes as compensation for Her Majesty's Minister at St. Petersburg, the Secretary of Legation, and Consuls and Vice Consuls for their sudden removal from their posts, and he wished to know if that were to be given in consequence of the extreme inconvenience arising from the sudden and compulsory removal, or was the sum given in consideration of the loss of their emoluments, or had their salaries been continued since their removal from St. Petersburg? He would also call attention to a charge of 904*l.* for defraying the expense of the Commission of Inquiry into the state of the Corporation of London. Was he to understand that that was to be a national charge?

MR. WILSON said, that with regard to the fees paid on appointments to offices of State, it was customary for the person who was appointed to a patent office to pay for the patent himself; but when he was moved from one patent office to another the charge for the second patent was paid for him. As to the fees charged on the creation of knights the explanation was as follows:—when a person was created a knight, or had an honour conferred upon him for services in the field or elsewhere, it was deemed a fit and proper thing that the value of that honour should not be diminished by having any pecuniary charge attached to it. With respect to the compensation to the British Minister and other officers in Russia, they had been obliged to sell off everything they had at a moment's notice, and with great difficulty had escaped safely through the country. Of course a consul who was appointed to a situation which he expected to be for life had every reason to make his arrangements of a permanent kind; and when, upon the outbreak of war, he was disturbed in the possession of his office, and subjected to enormous sacrifices by the sale of his household furniture, carriages, and other things necessary for his office, the Government thought it was only fair that the person so situated should be reimbursed his losses and extraordinary expenditure. The Commission of Inquiry into the Corporation of London was a Crown Commission, hostile to the Corporation, and the expenses of such Commissions were always borne by the public.

MR. FERGUS said, he did not think there was a single item in the whole Vote that was open to greater objection than the grant of 1000*l.* to the Episcopal Clergy in Scotland. Now, in Scotland the Episcopalians were Dissenters, and as such were no more entitled to a Vote of public money than any other religious sect. There was a further objection to the Vote, that although in number they were very few, and their ministers the worst paid, the Scotch Episcopalians were the richest sect in the country, embracing three-fourths of the whole of the landed aristocracy.

MR. MACARTNEY said, he wished to call attention to No. 4 in the Estimates, stating sums paid to Commissions. It appeared to him that that was a very objectionable mode of expending the public money. It afforded facilities for providing for certain Friends of the Treasury.

MR. MULLINGS said, that he had acted on Commissions, but had never received any portion of sums mentioned in the Votes. He wished that the Secretary for the Treasury would make it generally known that the Commissioners were not paid.

MR. WILSON said, that the hon. Member for Cirencester was perfectly right, for in the case of all Commissions issued by the Crown the Commissioners were not only not paid, but they incurred considerable expense from having to come up to town to attend those Commissions, the only paid officer of which was the secretary attached to each.

MR. W. WILLIAMS said, he would withdraw his Amendment, but he trusted, as there was a strong feeling against the Vote for the Episcopalian Clergy of Scotland, that the Government would take the subject into consideration.

THE CHANCELLOR OF THE EXCHEQUER said, that he would give his attention to the subject, with a view of making some other provision for the Episcopalian Clergy of Scotland.

Motion, by leave, *withdrawn;* Vote *agreed to;* as was also

(2.) 10.945*l.*, General Board of Health.

(3.) 3,498*l.* Ecclesiastical Commissioners for England.

MR. W. WILLIAMS said, he had felt it his duty to object to the Vote in former years, and should on the present occasion take the sense of the Committee against it.

Motion made, and Question put—

"That a sum, not exceeding 3,498*l.*, be granted to Her Majesty, to defray a portion of the Expenses of the Ecclesiastical Commissioners for England, to the 31st day of March, 1856."

The Committee *divided:* — Ayes 53; Noes 33: Majority 20.

Vote *agreed to.*

(4.) 12,390*l.* Charity Commission.

Mr. MITCHELL said, that the sum mentioned in the Vote now before the Committee was almost thrown away, because the Charity Commissioners had not sufficient power to interfere with the nefarious doings of the Court of Chancery with regard to all the charities of the kingdom.

The ATTORNEY GENERAL said, he fully concurred with the hon. Member in thinking that the powers of the Charity Commissioners were not sufficiently extensive. That, however, was not the fault of the Government, for the provisions of the Bill having for its object the extension of the powers of the Commissioners were altered in the other House of Parliament, and the Government were obliged to accept the Bill with those alterations. He believed that until the power which the Court of Chancery posessed over those charities were withdrawn from that Court, and vested in the Charity Commissioners, the charities of the country would never be satisfactorily conducted.

Mr. HENLEY said, he regretted that no provision was made in the Estimates for the salaries of the inspectors of charities, which he thought ought to be paid out of the public taxes, and not thrown upon the funds of the charities.

Mr. W. WILLIAMS differed from the right hon. Member for Oxfordshire, and thought that the salaries of the inspectors ought not to be paid out of the public taxes.

Vote *agreed to,* as were also the following Votes.

(5.) 1,053*l.*, Professors at Cambridge.

(6.) 22,572*l.*, Patent Law Amendment Act (Expenses).

(7.) 15,480*l.*, Incumbered Estates Commission (Ireland).

(8.) 900*l.*, Brehon Law Commission (Ireland).

(9.) 9,000*l.*, Process Servers (Ireland).

(10.) 2,270*l.*, Joint-Stock Companies Registration.

(11.) 69,115*l.*, Merchant Seamen's Fund.

(12.) 25,500*l.* Park at Battersea.

Mr. MICHELL said, he was opposed to the system of granting money out of the public taxes for the construction of public parks, which tended greatly to benefit and raise the value of the private property in the neighbourhood. It was owing to the power of the metropolitan Members in that House that those jobs were carried on, and if he had felt assured that he could have induced the Committee to support him, he would have endeavoured, by dividing against the present Vote, to put a stop to this system.

Mr. W. WILLIAMS said, he must defend the Vote, and he thought that if the hon. Member had acquainted himself with the facts of the case he would not have made the assertion he had.

Mr. WISE said, he was one of those who thought that the tax-payers of the country were fully justified in complaining of the present Vote. They had to bear their own local burdens, and were asked also to contribute towards a park for the benefit and improvement of the metropolis. He felt that so great a principle was involved in the Vote that he should take the sense of the Committee upon it.

Mr. SPOONER said, he should support the Vote, as he had done on a former occasion, not because he approved its principle, but because he considered that if he were to vote against the completion of the park he should practically entail a greater burden on the country than the sum now required would be.

The CHANCELLOR of the EXCHEQUER said, he considered that the hon. Member for Bodmin (Mr. Michell) was not justified in accusing the metropolitan Members of sanctioning or carrying out jobs, as the hon. Member had termed them. It ought to be remembered that the Bill introduced by the right hon. Member for Marylebone, the late President of the Board of Health, sanctioned the principle of levying an exclusive rate on the metropolis for metropolitan works, and if the Bill passed it would carry out the principle which hon. Members were desirous of having enforced.

Motion made, and Question put—

"That a sum, not exceeding 25,500*l.*, be granted to Her Majesty, towards defraying the Expense of forming a Park at Battersea, to the 31st day of March, 1856."

The Committee *divided:*—Ayes 75; Noes 17: Majority 58.

Vote *agreed to;* as were also the following Votes.

(13.) 17,696*l.*, National Gallery.

(14.) 25.000*l.*, Chelsea Embankment.

(15.) 10,700*l.*, Lighthouses.

(16.) 1,811*l.*, Cholera (West Indies).

(17.) 10,300*l.* Agricultural Statistics.

MR. STAFFORD said, he wished to inquire whether a portion only of the Agricultural Statistics in England was to be taken, while in Scotland and Ireland they were collected in a complete form.

MR. BOUVERIE said, that when the estimates were framed it was in contemplation to adopt some such course as that followed last year with regard to some parts of the country; that was, that it should be tested whether the system of inspection under the Poor Law might not be made available for the collection of agricultural statistics. That experiment, however, had not been successful, and a Committee of the House of Lords had recommended a plan which would require a legislative enactment in a future Session. Consequently, with regard to England, nothing would be done during the present year, and no expense would be incurred. As to Scotland, the plan resorted to last year had been eminently successful, and it would be continued; and also with regard to Ireland, the existing system, which was satisfactory in its results, would be adhered to.

MR. THORNELY said, that if the object was to ascertain the amount of corn produced, with a view to judge of the quantity required to be imported, he thought the corn merchants would take care to ascertain it. He did not, however, deny the utility of collecting agricultural statistics.

MR. ALCOCK said, he observed that in Scotland and Ireland the system adopted for collection of those statistics effected the object, and he thought that it was a disgrace to the country that a perfect system could not be devised for England, especially as in France, the acreage of which country was much larger, the collection of agricultural statistics down to the most minute articles of produce was admirably accomplished.

MR. STAFFORD said, that one reason why those statistics were so readily collected in Ireland was, that there they had the advantage of the services of the constabulary for the purpose.

MR. BOUVERIE said, he thought that the Estimate was reasonably framed, supposing the course pursued last year were continued. One reason of the collection being made complete in Scotland was, that the farmers themselves had rendered valuable assistance.

Vote *agreed to;* as was the next Vote (18.) 2,000*l.*, Trustees of Manufactures (Scotland).

(19.) 14,000*l.*, Fishery Board (Scotland).

MR. W. WILLIAMS said, he considered the continuance of the proposed Vote in the Estimates a gross job. The plea upon which it was first brought forward, viz., distress in the Highlands and islands of Scotlands, no longer existed; and how places of commercial importance and wealth like Leith, Glasgow, and Greenock could have the face to come upon the public taxes for money to promote their fisheries he could not understand.

MR. WILSON said, he must admit that the subject was one that deserved consideration, and he would promise that the attention of the Government should be directed to it. He thought it would not be desirable to withdraw the money altogether from Scotland, but he conceived that it might be applied to a more useful purpose.

MR. LABOUCHERE said, he must protest against the doctrine of the Secretary for the Treasury, that if the money was not wanted for the object for which it was originally granted, namely, the promotion of the Scotch fisheries, that it must be necessarily voted and applied to some other purpose for the benefit of Scotland.

MR. DUNCAN said, he quite admitted that the trade of Scotland should stand on its own footing, and was satisfied that it would not be injured if the Vote was withdrawn.

SIR JAMES ANDERSON said, he fully agreed that an entire stop ought to be put to the present system. It was discreditable to Scotland to be receiving money in such a form, under the pretext of promoting manufacturies and fisheries.

MR. JAMES MACGREGOR said, he must express his feelings of indignation that money should be given to Scotland which could not be fully explained or accounted for.

VISCOUNT PALMERSTON said, that the Vote was necessary for carrying on the service of the Board, which could not otherwise be continued; but his hon. Friend the Secretary of the Treasury had announced that the subject would receive the attention of Government with a view to a change of system.

MR. GLADSTONE said, he also must protest against the idea expressed by the Secretary of the Treasury, that any vested interest in money on the part of Scotland could be recognised—a notion which had been disclaimed by several of the Scottish representatives to their great honour.

Lord JOHN MANNERS said, he begged to point out that the application of the Vote, and the distribution of the money, was fully and minutely explained in a Report of great interest, annually presented to the House.

Vote *agreed to.*

(20.) 5,000*l.*, Commissioners of Highland Roads and Bridges.

Mr. W. WILLIAMS said, it was absurd to have such a Board. With regard to Highland Roads and Bridges, the Government ought to pledge themselves to consider the Vote, along with the preceding, with a view to its discontinuance.

Mr. BLACKBURN said, he did not see why such Votes should be objected for Scotland, when they had similar ones for England, for they had just passed one for Chelsea Bridge. At the same time he wanted to see the whole of them done away.

Mr. F. SCULLY said, if such Votes were granted to Scotland, why were they not granted to Ireland? He should like some explanation on the subject.

Mr. WILSON said that the origin of the Vote was the formation of military and other roads in the Highlands for public purposes. The hon. Member (Mr. Scully) seemed to forget the large sums which had been spent on the road to Holyhead and on the Menai Bridge, to facilitate communication with Ireland. The Vote was for the purpose of maintaining roads in the Highlands, which would not otherwise be kept up, and which were often useful for public purposes. Any new roads were made and kept up by the counties.

Vote *agreed to.*

(21.) 12,000*l.*, Bounties on Slaves.

Sir GEORGE PECHELL said, a recommendation had been made by the Committee for a strict blockade of Cuba, and the First Lord of the Admiralty had promised fine things; but having obtained a return of the force employed in those waters for the suppression of the Slave Trade, he (Sir G. Pechell) found there were only a few a small steamers sailing about in shallow waters only, and of no practical use in suppressing the traffic in slaves. He wished the right hon. Gentleman to state whether the present Captain General of Cuba was as sincere in his desire and as favourable to the suppression of the Slave Trade as reported? He had been informed that a cargo of slaves had been landed at the Moro Port at a time when the Commodore on the station was enjoying the hospitality of the Captain General. Seeing that we had secured the cordial co-operation of the Brazils, and that nothing was wanting but the same co-operation on the part of the Spanish Government, he did hope that the Government would see the necessity for vigorous effort to obtain that consideration. He wished to know whether there was any foundation for the report that great delay took place in handing over the bounty to captors of slavers? He had devoted himself to the subject of those bounties, and his earnest wish was to see them placed on an intelligible and just footing.

Viscount PALMERSTON said, that his noble Friend the Secretary of State for Foreign Affairs was in constant communication with the Spanish Government on the subject of the Slave Trade in Cuba, and was exerting all the influence of our own Government with that of Spain to induce them to give the most stringent orders to the Captain General of that Colony for the suppression of that traffic. When he was asked to answer for the sincerity of the Captain General of Cuba, he could not do that. He could only answer for the sincerity of Her Majesty's Government, who were doing all they could to suppress the traffic.

Mr. LABOUCHERE said, he wished to ask the noble Lord if that traffic had increased or diminished during the last year?

Viscount PALMERSTON said, he thought the traffic of last year, as compared with that which used formerly to be carried on, had greatly diminished. If his right hon. Friend meant to institute a comparison between the last year and the year before, he was scarcely able to speak confidently on that point; he believed there had been a cargo or two more in the last year; but the present traffic in slaves was comparatively very small.

Vote *agreed to*, as were also the two following.

(22.) 68,500*l.*, Dues under Treaties of Reciprocity.

(23.) 17,850*l.*, Revising Barristers (England and Wales).

(24.) 3,800*l.*, Inspectors of Corn Returns.

Mr. WISE said, every gentleman connected with the provinces must be aware what an immense amount of corn was sold without being included in any Returns. Those Returns as now made were delusive, and of very little advantage to the public, and he wished to ask whether the Board of Trade intended to adopt effective measures to get more correct and extended Returns.

MR. BOUVERIE said, he must admit that the present system of Returns was very unsatisfactory, much corn being sold without being returned, and a good deal being returned twice over. The Report of the House of Lords on the subject of Agricultural Statistics had, as had previously been stated, alluded to the matter, and one of the proposals contained in that Report was for making those returns more complete.

Vote *agreed to*, as were also the two following.

(25.) 3,600*l.*, Quarantine Arrangements.

(26.) 5,752*l.*, British Consulate Buildings, Constantinople.

(27.) 4,578*l.*, British Ambassador's Residences at Constantinople and Therapia.

MR. WISE said, he considered that the Vote required some explanation. The balance left after the Estimate last year was only 3,301*l.*, and he wished to know why it had been increased. He understood that it was originally calculated that the expense of the new house would be 30,000*l.*, but after that had been voted and expended various further sums were voted, till it amounted to no less than 86,650*l.*; and he thought that something approaching 14,000*l.*, had been voted for furniture. However, it seemed useless to oppose that sort of Votes, for they seemed to pass as a matter of course, and he should rest satisfied with protesting, and expressing a hope that the present was the last Vote for the Embassy house at Constantinople. The Committee would remember the description of the disgusting state of the seamen's hospital at Constantinople by the late Lord Dudley Stuart, and he wished to know if it had been improved, and if the merchantmen paid tonnage towards the expense of the hospital?

COLONEL DUNNE said, that it was in 1839 that the Ambassador's house at Constantinople was burnt down, and every year since there had been some demand of money for that building.

MR. WILSON said, he well remembered Lord Dudley Stuart's account of the Hospital at Constantinople, and the readiness with which the Committee voted the money for a new one. An arrangement was made that before the Treasury acted the Foreign Office should arrange that all merchant shipping, foreign as well as British, should pay tonnage at Constantinople towards the support of the hospital. Since that time it had been represented, that the hospital was too small and an additional story was required, which accounted for the increase in the estimate.

MR. W. WILLIAMS said, he wished to inquire how it was that the ambassador had two residences, when he used only to have one?

MR. STAFFORD said, that the summer residence had been given by the father of the present Sultan to the British embassy.

MR. WILSON said, he believed that this would be the last Vote of the same kind for the embassy houses. One of the houses had been burned down twice within a few years; and now it was thought fit, as a matter of prudence and economy, to engage workmen, whose special business it was to protect the building from fire.

Vote *agreed to;* as were also the following Votes.

(28.) 1,550*l.*, Building Courts of Law, Isle of Man.

(29.) 9,000*l.*, Public Records Repository, Iron Doors.

(30.) Motion made, and Question proposed—

> "That a sum, not exceeding 90,000*l.*, be granted to Her Majesty, for the Purchase of a Site, and for the erection of a new Office for the Department of the Secretary of State for Foreign Affairs, in the year ending the 31st day of March, 1856."

MR. BELL said, the proposed Vote was the first instalment of a sum of 585,000*l.* which appeared to be the total estimated cost of the contemplated new offices in Downing-street and Fludyer-street. He wished to know if the Government considered themselves bound by the plan adopted at the first short sitting of the Committee appointed to consider the matter, and before any detailed plan had been laid before them?

MR. APSLEY PELLATT said, he also wished to ask if the Government had considered a plan submitted to them by an independent architect? If adopted, it would require an increased outlay of fifty per cent., but it would give considerably more than double the amount of accommodation provided by the plan which had been adopted.

SIR WILLIAM MOLESWORTH said, that, in consequence of the very dilapidated state of the buildings in Downing Street, he had considered it his duty to request the architect to examine into the state of the public offices situated there. Acting upon the opinion of the architect, the Government had come to the conclusion that it was expedient to rebuild the whole of Downing Street, and plans had been prepared in the Office of the Board of Works for that purpose. The Foreign Office was at present in a very dilapidated and dangerous state, and required to be propped up in every direction. The plan which had been adopted was a general scheme for rebuilding the whole of Downing Street, and for providing new offices for the various public departments. The scheme referred to by the hon. Member for Southwark (Mr. A. Pellatt) was a scheme of a much larger description, and would cost a much larger sum than the hon. Gentleman seemed to think, without more completely answering the purpose of providing adequate accommodation for the public offices. He might state that the Committee to which reference had already been made had not pledged themselves to the plan laid before them, but had merely considered the quantity of land which it would be requisite to take for the purpose of rebuilding Downing Street.

MR. BANKES said, he thought that 90,000*l.* was a larger sum than ought to be voted by the Committee, under existing circumstances, for such a purpose. It was true that the buildings occupied as the Foreign Office were in a very dilapidated condition, but they might be placed in tenantable repair for a far less amount than was now required. He was aware that the demand was made with reference to an extensive scheme for the erection of new official buildings, under which it was intended to provide magnificent apartments for the Cabinet Ministers, in which they might entertain foreign visitors and their friends. It was well known that Cabinet Ministers had generally very handsome houses of their own, which were thrown open most generously for the reception of their friends and of foreigners of distinction, and he thought it was desirable that that custom should be continued, instead of following the example of some Foreign States, and allotting to ministers magnificent apartments in the Public Offices.

SIR FRANCIS BARING said, he would not object to that part of the Vote which was necessary to secure the ground, for he believed it would be requisite hereafter to erect considerable buildings which it was advisable should be on that spot. But though he did not object to the grant for the land, yet he had the strongest objection to grant the amount required for the buildings for the current year. He did not quite understand whether they were to be committed to the plan or not, but it was quite clear that if they began to build, it must be upon some plan, and they could not shift it afterwards. He also did not agree in the necessity for these State apartments. He had met many foreigners who thought that we ought to be proud of the simple manner in which we carried on the State business, and he had an old-fashioned notion of the same kind himself. He saw that there were to be additional buildings for the Board of Trade, but he thought that if the Council Office were looked sharper into, they might find rooms which were not constantly in use, and which might be appropriated by the Board of Trade. He was not much in favour of official houses, but he thought that the Chancellor of the Exchequer, the First Lord of the Admiralty, and more particularly, the Minister of War, should have one, as telegraphic messages were coming every hour. He should like to have the plans adopted by the Government, and a Committee of that House to inquire into the necessity and expediency of the scheme. They were asked for 500,000*l.*, but he suspected it would be nearer 1,000,000*l.* before they were done with it. All he asked was, that the building should be postponed until they should have an opportunity to examine and express an opinion upon the matter. He thought that they had a right to complain that the Estimates were delivered only on the 27th July, and they were called on so soon to vote them. If the hon. Gentleman would say that a Vote of 30,000*l.* was necessary to obtain the land, he would not object to that amount, but he proposed to the Committee not to grant the additional 60,000*l.*

VISCOUNT PALMERSTON said, that the building in which the business of the Foreign Office was at present conducted consisted of four small old houses in the worst possible condition. The floors were propped up, the houses were really in a very dangerous state, it was necessary to keep in the kitchens and cellars books which ought to be accessible in the upper rooms, and very great inconvenience was experienced every day in consequence of the dilapidated condition of the building. It was, therefore, a matter of emergency, that suitable accommodation should be provided for the Foreign Office. He believed also, that better accommodation was required by several other Public Offices. The right hon. Gentleman (Mr. Bankes) seemed to imagine that one object of the plan adopted by the Government was to provide magnificent State apartments for the Cabinet Ministers. No such plan was contemplated, but it was proposed that two rooms of considerable size should be built, which might be available when it was necessary for the Minister for Foreign Affairs or other Ministers, to entertain large parties at dinner. The right hon. Gentleman had intimated that Ministers could find room enough for these purposes in their own houses, but any one acquainted with the average size of London houses must know that few of them afforded accommodation for the reception of such a number of guests as must be entertained on the occasions to which he referred. Those rooms, it must be remembered, would also be available for other purposes connected with the transaction of public business. There was a good deal of weight in what the right hon. Member had said respecting the necessity for a full consideration of the plans to be adopted. He thought the plan proposed by his right hon. Friend (Sir F. Baring) was a good one, and would be substantially adopted; but, at the same time, when plans of considerable magnitude were to be carried out, it was right, and would be for the advantage of the Government to accept Parliamentary Partnership, and themselves have limited liability on account of those plans. He was ready to adopt the suggestion of his right hon. Friend the Member for Portsmouth, with a slight modification—namely, that, in addition to the 30,000*l.* for the purchase of the land, a sum of 10,000*l.* should be voted to provide for such incidental repairs to the existing buildings as might be absolutely necessary. When Parliament met again a Committee could be appointed to whom the general plans would be submitted, and the Government would then have the benefit of sharing their responsibility with the House, both upon matters of taste and matters of expense. He would therefore propose to reduce the Vote to 40,000*l.*

MR. BANKES said, he wished to explain that in the Estimates there was an item for State apartments for the use of all the Ministers on the first story, and the cost was put down at 95,000*l.* The noble Lord was the only Minister who could require such accommodation, for no one had so many friends, but the Committee was well aware that no rooms were better filled or better provided than the ample space afforded by the noble Lord's own house.

Motion made, and Question put, and *agreed to.*

"That a sum, not exceeding 40,000*l.*, be granted to Her Majesty, for the Purchase of a Site, and for the Erection of a new Office for the Department of the Secretary of State for Foreign Affairs, in the year ending the 31st day of March, 1856."

The following Vote was then *agreed to.*

(31.) 9,000*l.*, Census Expenses (Ireland).

(32.) 52,500*l.*, Army and Navy Medals.

MR. STAFFORD said, he hoped that arrangements would be made for a speedy distribution of medals among the soldiers returned from the Crimea. He knew many cases in which soldiers had been obliged to return to their homes without receiving their medals. He would also ask how it could be that the 72,000 medals were charged in the estimate at 10*s.* each, when the intrinsic value of the silver in those medals did not exceed 4*s.* 6*d.* or 5*s.*?

MR. WILSON said, he had no doubt the figures were correct, but would make inquiry.

VISCOUNT PALMERSTON said, he would make inquiries into the best means for a speedy distribution of medals.

CAPTAIN SCOBELL said, he found some medals charged for were for the Kafir war, now ended three years since. He thought it was a great pity that the grant of medals should be delayed so long that the boon lost its value. He also found 1,000 medals for distinguished services, which he assumed were connected with the new Order of Merit.

ADMIRAL WALCOTT said, the particular medals referred to were granted to soldiers and sailors for distinguished services.

Vote *agreed to;* as were also the following Votes:—

(33.) 68,131*l.*, United States Claimants.

(34.) 54,218*l.*, Townley's Escheat.

(35.) 17,000*l.*, British Seamen Abroad.

(36.) 3,000*l.*, National Gallery (Ireland).

(37.) 9,927*l.*, Metropolis Interment Acts.

MR. APSLEY PELLATT said, he felt bound to complain of the manner in which the Act had been carried out, whereby a large number of grave-yards in the east of London had been closed, while only seven new burial-grounds had been opened. The consequence was, that those in crowded districts which had not been closed had become literally gorged. He thought some explanation was required on this point.

MR. BLACKBURN said, he wished to know why it was that the country was called upon to pay for the working of an Act affecting the metropolis alone?

MR. WILSON said, that the object of the Government had been to close crowded metropolitan burial-grounds and provide the means of opening others. For that purpose rates were originally intended to be levied, but they had been given up, and now the Government were obliged from time to time to come to Parliament for the money which had been expended under the Act.

In reply to a question from Mr. I. BUTT,

VISCOUNT PALMERSTON said, that the inspectors whose salaries formed a portion of the Vote examined and reported upon the state of burial-grounds recommended to be closed, and also as to the applicability of such new ground as it was proposed should be devoted to the purposes of interment.

MR. W. WILLIAMS said, he wished to point out that, though beneficial to the health of the neighbourhood, the closing of the burial-grounds was not always pecuniarily of advantage to parishes.

SIR JAMES ANDERSON said, he also must object to the whole country being taxed for expenses required in the improvement of a locality. What advantage was it to Scotland that a burial-ground in London should be closed?

VISCOUNT PALMERSTON said, he would remind the hon. Member that the locality itself was put to great expense to provide a new burial-ground. No doubt Scotch burial-grounds would have to be inspected before they were closed, and then the services of the inspectors would be apparent.

Vote *agreed to;* as was also

(38.) 5,000*l.*, Galleries of Art (Edinburgh).

(39.) 40,000*l.*, Cape of Good Hope.

MR. W. WILLIAMS said, he objected to the Vote on the ground that the colonists ought to be left to take care of their own affairs.

SIR WILLIAM MOLESWORTH said, he was willing to admit that the Vote was an experiment for the purpose of trying whether by the expenditure of a comparatively small sum of money annually we might not be able to put an end to the Kafir wars and the great military expenditure in South Africa. He estimated that our military expenditure in that country amounted to between 400,000*l.* and 500,000*l.* a year; and, in addition to that, every now and then a Kafir war broke out which cost, upon the average of the last war, about 1,000,000*l.* a year. Sir G. Grey, who had recommended the proposed plan, had formerly been Governor of New Zealand, where he had displayed great skill, tact, and ability, in dealing with the native tribes. He had been extremely successful there in inducing the natives to abandon their warlike pursuits, and to adopt habits of peaceful industry; and, having been appointed to the Governorship of the Cape of Good Hope, it was hoped that he might display equal skill in the management of the Kafir tribes, and might induce them also to abandon their warlike habits in favour of more peaceful occupations. Sir G. Grey had proceeded to the Eastern frontier of the Cape of Good Hope, where he had studied the habits of the Kafir tribes, and, after making himself acquainted with their habits, tastes, and feelings, he had sketched out the following plan. Sir G. Grey said in one of his despatches—

> "The plan I propose to pursue with a view to the general adjustment of these questions is to attempt to gain an influence over all the tribes included between the present north-eastern boundary of this colony and Natal, by employing them upon public works which will tend to open up their country; by establishing institutions for the education of their children and the relief of their sick; by introducing among them institutions of a civil character suited to their present condition; and by these and other like means to attempt gradually to win them to civilisation and Christianity, and thus to change by degrees our at present unconquered, and apparently irreclaimable, foes into friends who may have common interests with ourselves."

He also added—

> "To accomplish this will require a considerable immediate expenditure of money and some lengthened period of time; but I feel little doubt that, within eight or ten years from the present date, the work might be so far accomplished that no further assistance would be required from any extraneous source, and that Great Britain might look to be relieved shortly, to a great extent, from all further care and expense connected with this colony. In the meantime it is to the British Parliament alone that assistance can be looked for to carry out such a plan. Its cost, I estimate, will be for the present 45,000*l.* per annum, of which 40,000*l.* would require to be furnished by Great Britain."

When it was remembered that 40,000*l.* was only 4 per cent upon the expenditure of a single year of Kafir war, and that it was but one-tenth of what we had to pay every year for the military expenses of the Cape of Good Hope, he thought that the Committee ought to agree to the proposed Vote. After the most careful and deliberate consideration which he could give to the subject, he believed this to be an experiment which was well worth trying.

MR. HINDLEY said, he had no objection to test the experiment, but he had no hope of its success, unless Englishmen in that part of the country would be honest. It was vain to talk of bringing the Kafirs to civilisation and Christianity when we allowed our colonists to take possession of the land of the natives.

MR. BLACKBURN said, he was afraid that the proposed Vote would be but the commencement of a perpetual annual charge.

SIR WILLIAM MOLESWORTH said, that the Vote now under consideration was not the commencement of a new system, for, unfortunately, we had long been engaged in protecting the country against the Kafirs.

MR. R. PHILLIMORE said, he regarded the proposition as a wise, safe, and Christianlike experiment. If he thought that he was binding himself to vote 40,000*l.* a year, he might think twice before he gave his consent; but he was persuaded, after the speech of his right hon. Friend the Secretary for the Colonies, that it was a reasonable Vote.

MR. HINDLEY said, he wished to know whether the colonists were to be protected if they went into the Kafir country and took possession of the natives' land?

SIR WILLIAM MOLESWORTH: Certainly not; because, if they go into the Kafir country and take possession of the natives' land, they would be out of the British territory.

MR. ALCOCK said, he remembered that the right hon. Gentleman the Secretary for the Colonies, in a most able speech which he made about seven years ago, advocated the principle of the Colonies being self-supporting, and he much regretted that the first step taken by that right hon. Gentleman, after accepting his present position, should be to propose a Vote like the present.

MR. W. WILLIAMS said, that the cost of our American colonies previous to the declaration of independence had been only 64,000*l.* per annum, and he saw no reason why the colonists at the Cape should not be called upon to pay the expenses connected with their own maintenance.

MR. OTWAY said, he rose to move that the Chairman report progress, in order that he might have an opportunity of calling the attention of the Committee to a point which concerned every hon. Member who was anxious to take part in the discussion upon the Estimates. A Vote had been proposed having reference to the National Gallery, and had been postponed. It had been his intention to make some observations with regard to that Vote, and he had communicated that intention to the hon. Gentleman the Secretary of the Treasury, and not for the first time, but certainly for the last, he had been deceived by the statement of that hon. Gentleman as to the course which he intended to pursue. He had that morning told the Secretary to the Treasury that it was his intention to object to a certain sum of money in the Vote for the National Gallery, and that hon. Gentleman then informed him that that Vote would be brought forward the first thing in the evening, and in consequence of that statement he had left the House, and then the Vote had been quietly smuggled through. He had thus for the time been deprived of the opportunity of making the remarks which he had intended to make, and, therefore, he was compelled to defer them until the Report was brought up; but he thought that it was necessary to make these remarks, in order that no other hon. Member might be deceived, as he had been, by the statements of the Secretary of the Treasury.

MR. WILSON said, that the hon. Member had, as was not seldom the case, been somewhat rash in bringing forward a charge against him. It was perfectly true that he had told the hon. Gentleman that it was his intention to bring on the Vote connected with the National Gallery the first thing at the evening sitting, and that Vote had been brought forward at six o'clock when the hon. Member might have objected to it if he had been in his place.

MR. OTWAY could only say that he had entered the House at a few minutes after six o'clock, and had not quitted his place; and that Vote must have been proposed in so quiet a tone that no one had heard it.

MR. WILSON said, that, on the contrary, the Vote had attracted particular attention, and one or two hon. Members had risen in their places and asked what Vote was being taken, and he himself had answered their inquiries.

Motion *withdrawn;* Vote *agreed to,* as was also—

(40.) 5,800*l.*, Pall Mall to Green Park Continuation.

(41.) 3,000*l.* Inverness Bridge.

THE CHANCELLOR OF THE EXCHEQUER (in reply to Mr. W. Williams) said, that some years ago the old bridge at Inverness was destroyed by an extraordinary flood, which was supposed to have been caused by works at a lock for which the Government were considered partly responsible. The matter was fully considered at the time, and the result was that an agreement was come to that one-half the expense of building a new bridge should be borne by the public, and one-half by the counties in the neighbourhood of Inverness. A Bill was introduced into Parliament giving effect to that agreement, and the necessary money was voted. In consequence, however, of unforeseen difficulties in the construction of the bridge, the estimate had been exceeded, and it would be only fair that half the excess of 6,000*l.* should be borne by the public.

MR. F. SCULLY said, he was surprised that the Committee could go on voting money year after year for roads and bridges in Scotland, while in England and Ireland the counties were called on to pay for such works. He should certainly move that the Vote be disallowed.

MR. BLACKBURN said, he did not defend the Vote, except on the consideration that it was only carrying out an arrangement which had been entered into some time since. He should not originally have been in favour of that expenditure.

MR. I. BUTT said, it was not right to say they had never had national assistance in Ireland towards making roads. If the hon. Member divided the Committee, he should feel bound to support the Vote.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the Committee ought to take into consideration the peculiar difficulty of maintaining roads in a mountainous country. For instance, the local resources of the Alps would be entirely insufficient to support a road over the Simplon, and it required all the resources of the French Empire to make and maintain one. He would also remind the Committee that the population of the Highlands of Scotland being very thin, and the surface of the country very unequal, it came to this, that bridges, costing a great deal of money, had to be erected in very poor districts; some extraneous assistance, therefore, was not unnaturally required for the purpose.

MR. OTWAY said, he hoped that his hon. Friend (Mr. F. Scully) would not divide the Committee on the Vote, but that the Government would consent to devote a portion of the 14,000*l.* which had been asked for for Scotch fisheries to the completion of the bridge. Before he sat down he wished to state, in reference to what had passed that evening that the observations which he had made had been founded upon erroneous information, and he was therefore anxious to withdraw them. At the same time, he might say that he had taken his seat in the House at half-past six o'clock, and that, as he had never moved from his place during the evening, it appeared to him unaccountable how the Vote could have passed without his knowledge.

MR. W. WILLIAMS said, he objected to the Vote, and wished the Committee to compare the present application from Scotland with the case of South Wales, where, last winter, some eighty or ninety bridges had been washed away by the floods, and yet not a single sixpence had been asked of the country at large to defray the expense of their restoration. He thought the Committee ought to set its face against all grants for local purposes.

MR. WILSON said, he hoped that his hon. Friend would not divide the Committee. The Committee ought to think themselves well off in not having to pay the whole of the expense of the bridge instead of a part, inasmuch as the accident had been caused by certain works executed by the Government.

MR. DUNCAN said, it was a question whether, if the case had gone into a Court of Law, the Government would not have had to pay every shilling of the expense for rebuilding the bridge.

MR. F. SCULLY said, that after what had taken place, he would not divide the Committe upon the Vote.

Vote *agreed to.*

(42.) 11,000*l.*, Buckingham House, Pall Mall.

MR. BANKES said, that Buckingham House stood upon one of the best sites in the metropolis, and he considered that it was incurring a very great expense and a consequent loss to the public to select such a situation for a Public Office. He wished to know in what manner it was proposed to adapt Buckingham House to the public service, and whether it was intended to be permanently used as a Public Office?

VISCOUNT PALMERSTON said, the right hon. Gentleman was aware that several of the Ordnance Departments had recently been brought under the immediate direction of the Secretary of State for War. Every one would admit that business was much more efficiently and rapidly conducted when the different departments, under the control of the same chief, were brought under his immediate observation, and it was with the view of concentrating the departments that the remaining term of the lease of Buckingham House had been purchased. He was not quite certain what branches of the Ordnance Department might be transferred to Buckingham House, but he knew that great inconvenience had resulted from some important branches of that department having been continued at Woolwich, in consequence of the impossibility of providing accommodation for them in London. It was quite true, as the right hon. Gentleman had said, that Buckingham House, which was to be converted into Public Offices, occupied a situation where private residences were in great request, and that a building for such Offices might have been obtained at less expense in some other part of London; but it must be recollected that nothing was more conducive to the efficiency of the public service than that the branches of the various departments should be in the closest possible proximity to the chiefs of those departments, and that Buckingham House was within a short distance of the Ordnance Office.

MR. W. WILLIAMS said, as Buckingham House was Crown property, he wished to know what was the amount of ground-rent paid, and what period of the lease was unexpired?

MR. WILSON said, he believed that thirty years of the Crown lease were yet unexpired, but was not aware what was the amount of the ground-rent.

In reply to Colonel DUNNE,

MR. MONSELL said, that one of the departments which it was intended to remove from Woolwich was that of the Director General of Artillery.

COLONEL DUNNE said, it was his opinion that the Director General of Artillery ought to remain at Woolwich.

Vote *agreed to:* as was also

(43.) 3,718*l.*, Windsor Improvements.

(44.) 10,000*l.*, Arctic Discoveries (Rewards.)

ADMIRAL WALCOTT said, as a Member of the Committee which had recommended the Vote, he wished to say they were unanimously of opinion that the greatest skill and zeal had been displayed by Captain M'Clure, and that the officers and crew under his command deserved the highest credit for the courage and fortitude with which they had faced the dangers and endured the privations they had had to encounter. The Committee had recommended that 5,000*l.* should be granted to Captain M'Clure, and that 5,000*l.* should be distributed among the officers and crew of the ship under his command. He wished, also, to express the sympathy and condolence of the Committee with those whose relatives and friends had been lost in the expedition under the command of the high-souled Sir John Franklyn. The Committee entertained a very high opinion of the manner in which all the officers and men had discharged their duties during a service of great danger and severe privation, and they had recommended that a medal should be granted to each officer and man engaged in the expeditions. He regretted that no estimate was proposed for that purpose, and wished to know why the recommendation of the Committee had not been adopted?

MR. OTWAY said, he would suggest, in order to make the matter clear, that the Vote should be taken in the following form:—5,000*l.* to Captain M'Clure, and 5,000*l.* more to be distributed by the Board of Admiralty among the other officers and the crew of Her Majesty's ship *Investigator.*

CAPTAIN SCOBELL said, it might be asked why so large a sum was awarded by the Committee to Captain M'Clure. It should be remembered, however, that that distinguished officer had exhibited the highest qualities, not amid the temporary excitement of a battle-field, but throughout the whole four years during which he and his companions were in the ice. By his indomitable bravery and consummate seamanship in penetrating as far as Percy Bay, he had achieved one of the most extraordinary enterprises that could ever be attempted in the Arctic Seas; and the people of England would not grudge him the reward that was now to be offered to him for his eminent exertions. He had felt that the services of Captain Collinson and Captain Kellett were beyond all praise; but had the Committee entered upon their claims, it would have been impossible to know where to stop, as there were many others whose services were almost equally entitled to recognition. The Committee, therefore, had decided upon recommending a reward only in the case of the actual discoverer of the north-west passage.

Mr. I. BUTT said, that the Committee had unanimously decided that Captain M'Clure was deserving of the proposed reward, because to him belonged the distinguished honour of discovering the north-west passage. It was impossible to eulogise too highly the heroic daring, the extraordinary skill, and the undaunted resolution shown by that gallant officer in taking up the enterprise at the point where Sir Edward Parry and other explorers had left it, and in bringing it to a successful completion. His wonderful efforts in navigating his ship round the western coast of Behring's-land, and in braving the dangers of a rocky ironbound coast on the one hand, and the fearful perils of the ice on the other, were altogether unparalleled; and nothing had ever more impressed his (Mr. Butt's) imagination or riveted his interest than the details of that remarkble achievement. On entering Parry's Sound, Captain M'Clure came to the conclusion that the land lying to the westward was an island, and by resolutely acting upon that opinion, and sailing round that island, he ultimately set at rest that long uncertain question — the existence of a north-west passage.

Mr. F. SCULLY said, he wished to inquire why Captain M'Clure was not to receive the sum of 20,000*l.* originally offered for the discovery of a north-west passage, instead of only 5,000*l.*?

Mr. I. BUTT said, that the sum of 20,000*l.* was offered before any part of this passage was discovered, and the persons entitled to it were not only required to discover the passage, but to bring a ship through. Captain M'Clure had not brought his vessel through, but he had demonstrated that the passage was impracticable. The sum of 5,000*l.* was not intended as an adequate recompense for his services, but merely as some acknowledgment by the nation of their value.

Admiral WALCOTT said, he wished to explain that 5,000*l.* had been voted to Sir Edward Parry, and 5,000*l.* to Sir John Ross; and the present Vote of 10,000*l.*, therefore, exhausted the entire 20,000*l.* which had been alluded to.

Mr. HEYWOOD said, he would take that opportunity of asking why a grant of 1,000*l.* to the Royal Society for scientific objects had been recently withdrawn by the Government?

Viscount PALMERSTON replied, that, a few years ago the grant was asked for by the Royal Society as a temporary assistance for a specific purpose. Those who applied for it represented that it was wanted for a particular year, and that, if 1,000*l.* were advanced, probably the whole of that amount would not be required, in which case the remainder would be returned. An advance of 1,000*l.* was accordingly made from a fund not strictly applicable for such an object, but intended for a charitable purpose. The grant was, however, given a second time, and in the third year the Society applied for another 1,000*l.*, "as usual." He felt obliged to reply that he did not consider it a proper application of the fund in question, and that he must decline to continue it. No doubt, however, a grant of that sort for scientific purposes would be a very fitting one for Parliament to take into its consideration.

Vote *agreed to.*

(45.) 800*l.*, Monument to Sir John Franklyn.

Sir CHARLES WOOD said, that the proposed Vote was one of a very melancholy description. It was unnecessary for him to say anything in praise of the exertions of Sir John Franklyn in the cause of Arctic discovery, and now that his fate and that of his brave companions had become, unfortunately, too certain, there was nothing left for the country to do but to testify its sense of their services by erecting some suitable monument to their memory. After consultation with Lord Ellesmere, and others, it had been determined to intrust the execution of it to Mr. Westmacott, but, as that gentleman had been absent in Paris, it was only within the last few days that his design had been received. It was proposed that the monument should be erected at Greenwich, where already there was a memorial erected to the memory of the gallant Lieutenant Bellot, who had met with an early death in the same cause. It was there, too— and this had weighed very much with the Government in selecting the site—that another great Arctic discoverer, Sir Edward Parry, had resided as Lieutenant Governor of the Hospital until very lately, when he had fallen a victim to a disease contracted in the course of his numerous and lengthened voyages. It was proposed that on the monument to be erected should be inscribed the names of Sir Edward Parry, and of all the officers and men who had fallen victims in that service.

Vote *agreed to.*

SUPPLY—SUPPLEMENTARY NAVAL ESTIMATE.

(46.) 10,000*l.*, Wages to Artificers, &c., in Her Majesty's Establishments at Home.

SIR CHARLES WOOD: Mr. FitzRoy, I now beg to move the Supplementary Naval Estimate for the year 1855-56 (amounting to 1,141,168*l.*) With one great exception, this Supplementary Estimate consists of additions to the different heads of expenditure, entirely caused by the demands of the war in which we are at present engaged. The first item, which is for the wages of artificers in Her Majesty's establishments at home, is rendered necessary by the increased drain on the stock of our dockyards in this country; and, the second item, which is classed under the head of wages to artificers abroad, is taken for the purpose of enabling us to establish a small dockyard at Constantinople, where our ships may be repaired without being obliged to go on to Malta. In the third Vote the largest items are for copper and hemp. Formerly our largest supply of this latter article was derived from Russia, but since the war other sources have been opened to us which promise to be exceedingly abundant, and which hereafter, I have little doubt, may compete with Russia. The Italian spring seed has, I believe, turned out very favourably, and a considerable supply from Hungary has lately been offered to us. There is a large item under the head of what are called standing contracts—for the supply of ordinary articles used in fitting out ships. With so large a fleet at sea the demand for anchors and things of that sort has been, of course, greatly increased; indeed, in twelve great articles which come under the head of "standing contracts" the expenditure for the last three months is higher than it was for the six months ending September last. There is a small sum for medical stores, which, perhaps, may not all be wanted, but which we have thought better to ask for in order to be prepared for all the wants which may arise; and there is also a small sum for rewards to seamen for the destruction of four Chinese pirates and of a Russian ship of war. The largest item of expenditure is for the purpose of enabling us to build an additional number of gunboats. When the war commenced, I believe we had not a single vessel of this description, but the right hon. Gentleman (Sir J. Graham) who preceded me, in the last year built six gunboats, which have been of the greatest possible service in the Black Sea and in the Sea of Azoff, particularly at the capture of Kertch. I had the greatest pleasure the other day in promoting two officers who had distinguished themselves in command of these boats in that quarter. Other vessels of the same description have been despatched to the Baltic, and one of them has already enabled a very deserving mate to earn his promotion. But, notwithstanding the progress we have made in building vessels of this description, their number is still very inadequate, and it is proposed to double that number at least, as soon as possible; in fact, I do not think we can have too many of them. The nature of the seas in which our naval warfare is being carried on requires that we should have a large number of vessels of small draught, but capable of carrying large guns; indeed, some naval officers say, that in all future naval wars gunboats will take a much more prominent position than has hitherto been the case. The demand, however, at present is for boats of this description; we are building them as fast as we can, and it is for the purpose of constructing these boats and for their machinery that we now propose to take a sum of 526,000*l.*

MR. FRENCH said, he wished to know why the resources of science were not employed to a greater extent in the present war? He should like to receive further information than had already been given as to the intentions of the Government respecting the proposals of the Earl of Dundonald. The plans of that gallant Nobleman were not new; more than forty years ago they were submitted to the scrutiny of Lord Exmouth and Lord Keith, who were impressed with a conviction of the terrific efficiency of the plans, but suggested that for the sake of the human race they should remain unknown. Those plans had slept for forty years, and were only brought forward now when the position of the country required every man's aid. The Government had referred those plans to a joint Commission composed of several scientific men and two admirals. Although a considerable time had now elapsed, no answer had yet been returned to the noble and gallant Earl. It had been said that, however ingenious the plans, there existed doubts as to the expediency of carrying them into effect. Lately those plans had been submitted to Sir Charles Napier, who pledged his professional reputation that Lord Dundonald could by them accomplish all he had undertaken to do. The noble and gallant Earl had undertaken, if permitted to carry out his plans, that, within a month of his arrival in the Baltic, every Russian fort should be demolished, and the entire expense should be less than 200,000*l.* The right hon. Gentleman at the head of the Admiralty appeared to think the noble Lord's plans were impracticable, but it had been well observed by a leading journal that the life of that noble Lord had been spent in executing what the right hon. Gentleman would consider to be impossibilities. He (Mr. French) believed the country would not have begrudged an additional 200,000*l.* to carry out those plans, and if the Government did not avail itself of all the scientific discoveries of the age, the country would not fail to doubt its sincerity in the conduct of the war.

SIR GEORGE PECHELL said, he thought if the plans of Lord Dundonald were so tremendous as they were stated to be, the only reason why they were not adopted must be that they were more dangerous to the parties employing them than to the enemy against whom they were used. With respect to the particular Vote before the Committee, he could only say he was glad to find that the Government was providing a sufficient fleet of gunboats, for there was little doubt but that vessels of that class with steam power would hereafter play conspicuous parts in war. When the House was discussing the question of the limitation of the naval power of Russia by restricting her to so many line-of-battle ships and frigates, it had not occurred to any one that Russia might, under these circumstances, create a fleet of small vessels of the gunboat class, which would be sufficient to enable her to carry out her daring projects. His only fear was on account of the mortar vessels we had sent out, each of which, he imagined, would require a larger vessel to attend on her. It must be remembered that the Russian force of gunboats at Cronstadt was fully equal to our own, and therefore the admirals in the Baltic must be on their guard against any surprises which might be attempted by vessels of that class. Another subject which inspired him with some anxiety was the Russian squadron in the Pacific. The House was aware that last year we had failed in reaching a portion of that squadron, and he believed that now there were in the Pacific, under Russian colours, six ships and one steamer. These vessels had all kept together, and it was not impossible that, evading our Pacific squadrons, they might some day appear in the Channel, or even make a descent upon the town which he (Sir G. Pechell) represented, and, after doing as much damage as possible, take refuge in the Scheldt. He thought it right to express these views, but felt bound at the same time to state his belief that the Admiralty had done its duty in the present war, and the hon. and gallant Member for Gloucester (Admiral Berkeley) especially had merited for his services in manning the navy, the honours with which his Sovereign had recently distinguished him.

CAPTAIN SCOBELL said, that as they were called upon to vote the large sum of 1,141,168*l.* for the purposes of the navy, he considered that it was a fitting opportunity to make a few observations upon the conduct of the war as respected the employment of the navy. They were engaged in a great contest, in conjunction with an ally who could bring a much larger number of troops into the field than this country, but our success depended mainly upon possessing command of the sea. The most important question, therefore was, whether they had the right ships in the right places. In the Baltic we had sixty-one English vessels, and in the Black Sea seventy-three, besides the French and Turkish fleets, while the fleet of Russia in the Black Sea had been very considerably reduced in number. The great preponderance of naval power, therefore, was upon the side of the allies. The navigation of the Baltic, as he could speak from his own experience, was full of danger, especially in the autumn, and what was wanted there was a number of small vessels of war, capable, from their light draught, of moving about in places where it would be dangerous for large ships to venture. The course, however, which had been taken was to send thither some of the largest and most magnificent line-of-battle ships in the world. In this respect, therefore, they would seem to have gone helter-skelter into the war. Floating batteries had not been sent out, although they might have proved formidable if they could have been got into proper positions, because there was some doubt whether they would float or not. An instance of what might be done by vessels of light draught had been afforded by the recent operations in the Sea of Azoff; but, although those operations had been so successful, they had not been seconded by attacks upon the forts at the mouth of the Danube, or upon Odessa or Perekop, commercial ports of great importance, where there were probably large stores of grain. Nothing, indeed, had been done upon any part of that coast, though the results would probably have justified the attempt, and have proved equally, if not more advantageous than the operations in the Sea of Azoff. In the course of the present war reference had been made more than once to Lord Dundonald's plan. He was not going to dwell upon that subject, but he would take the opportunity of saying that he had known that noble Lord when in the service, and, so far from being a rash man, he was one of the coolest officers —while he possessed what was termed dash—that he had known. During the operations of the last war he had never moved but with consummate judgment, had conducted himself with great bravery, and had accomplished the services required of him with less loss than almost any other officer. The Government ought not to be scrupulous as to the means offered them of conducting the operations of the war successfully, and Lord Dundonald had stated that the adoption of his plan would save life, and that the operations of the attacking party might be conducted with the most perfect safety. A distinguished officer, high in the service, had expressed his opinion that the plan of Lord Dundonald, if adopted, could not fail of success. He wished particularly to call the attention of the Committee to the essential services performed in the Sea of Azoff, by the Nancy raft, which was composed of a few spars fastened together, having guns mounted upon it, and which from its light draught had been able to reach places which were accessible to no ship of war. He had received a letter from a gallant Officer suggesting the employment in the Baltic of a number of such rafts, mounted with guns, about 100 of which could be constructed for the sum expended on the construction of a large gunboat. They could be prepared within three weeks of the present time, whereas gunboats, unless nearly completed, could not perform any essential service during the present season. They would be difficult either to sink or burn, nor could they be easily hit. Such a description of floating battery could obtain access to any place on the coast which it was determined to attack, and from its perfectly horizontal fire the balls would not ricochet. Such a plan seemed highly deserving of consideration. He was very glad to observe that some of the transports were at length coming home, because he thought that it was necessary, even if they came home empty, that they should be constantly working backwards and forwards with something like the regularity of the packet service. For some time we had been giving as much as 50*s.* per ton per month for the use of those transports, and he believed that in another year we should have paid about as much as would have bought the whole of them. In conclusion, he would beg to urge the advisability of giving sailors a bounty, which would be the only effectual means of securing really good men. He gave great credit to the senior Naval Lord of the Admiralty, because he had done much, and the greater portion of it well.

MR. LINDSAY said, he was glad to hear that it was intended to continue the construction of gunboats ; he should very much like to have a pledge from the Government that they would cease to spend more money in the building of enormous vessels, which were nearly useless in modern warfare. He wished to know what had been the cost to the country of the floating batteries, when it might be expected that those batteries would proceed to sea, and whether it was really and seriously supposed by the Admiralty that they would be effective for the purpose for which they had been devised ? He wished to inquire also, perceiving the large items which were set down in the subsequent Vote for the steam factory and the purchase of house and premises at Constantinople, whether it was intended to have a permanent establishment there ?

MR. W. WILLIAMS said, he did not intend to make any comment upon the proposed Vote, because the country was in such a position that it must place necessarily very great reliance upon the Board of Admiralty. The navy had never disappointed the country, and the people naturally looked up to it for the accomplishment of important measures. He hoped, therefore, that some scheme was now in embryo which would redound to the honour and credit of that important arm of the service. He would point out, at the same time, that there was a strong feeling throughout the country in favour of testing the plan of Lord Dundonald.

ADMIRAL BERKELEY said, he must

beg to thank his hon. and gallant Friends the Member for Bath (Captain Scobell), and the hon. and gallant Member for Brighton (Sir G. Pechell), for the compliment which they had paid him, which was extremely gratifying from brother officers; and he could assure the hon. Member below the gangway (Mr. Lindsay) that if upon any former occasion he had been betrayed into warmth of expression, the hon. Member must attribute it to himself for having accused him (Admiral Berkeley) of the grossest incapacity. As regarded the building of large ships, he could only say that, unless they had been built, gunboats could not have penetrated into seas containing large fleets of the enemy; and he might also mention that those vessels which had done such good service in the Sea of Azoff had been built by the direction of the right hon. Baronet the late First Lord of the Admiralty.

Vote *agreed to*, as was also

(47.) 3,000*l.* Wages to Artificers, &c., in Her Majesty's Establishments Abroad.

(48.) 1,063,655*l.* Naval Stores, &c., for the Building and Repair of Ships, &c.

Sir GEORGE TYLER said, he wished to know if the right hon. Gentleman at the head of the Admiralty considered the floating batteries which had been constructed to be efficient for the purpose for which they had been built, because if they were so, they might, he thought, be sent to places where they would prove of greater utility than they were at present?

Admiral WALCOTT said, he would also like to know what had been the cost of those batteries?

Sir CHARLES WOOD said, that the cost had been about 50,000*l.* a piece. As regarded their efficiency, that question was not so easy to answer. He could only say that the project of constructing them had originated with the French Government, and also that, as regarded their power of resistance to shot, the experiments which had been tried had given a satisfactory result. He had no doubt that in shoal water they would be found to answer perfectly well, but whether they would do so in deep water was a question which he was unable to decide.

Mr. OTWAY said, he thought that some assurance ought to be given by the Government as to the class of vessels which they intended to construct. A very large ship, the *Marlborough*, had that day been launched, or rather an attempt to launch her had been made, and, in his opinion, if the labour which had been employed upon that ship had been employed upon vessels of a different description, that labour would have been much better bestowed.

Vote *agreed to.*

(49.) 61,503*l.* New Works Improvements and Repairs in the Yards, &c.

Sir CHARLES WOOD said, that the object of purchasing the premises at Constantinople was to save the public money, and also to centralise the naval establishments in that part of the world, which were at present scattered. At present the country was at the expense of hiring buildings, and if the purchase of those buildings were effected, they could, it was estimated, be sold without loss when they were no longer required.

Mr. STAFFORD said, he thought that there would have been a saving of expense if those premises had been purchased at an earlier period. He hoped that among them a coaling place was included.

In answer to Sir William Jolliffe.

Sir CHARLES WOOD said, that there was no intention to have a permanent dockyard or naval establishment at Constantinople, although so long as our ships were employed in the Black Sea it was, of course, necessary to provide on the spot the means of repairing them.

Mr. LINDSAY said, he should be glad if the right hon. Gentleman the First Lord of the Admiralty would afford them any information relative to the attempt to launch the *Marlborough* that day which had been stated to have been unsuccessful, and, if so, whether that vessel had sustained any considerable damage? He would also be glad to know if it was not the intention of the Government to employ their artificers and the funds at their command upon vessels more adapted to the requirements of the war?

Sir CHARLES WOOD said, it was true that the *Marlborough*, after having got part of the way into the sea, had stopped short and could be moved no further. He could not account for what had occurred, but since he had been in the House a telegraphic despatch had been received stating that the tide had reached its lowest point, and that the vessel did not appear to have been injured or to have strained herself in the slightest degree. Upon the other point alluded to by the hon. Gentleman, they must remember that they ought not to confine their view wholly to the demand for small vessels. It was indispensably necessary to have ships of a size which would enable them to cope with those possessed by the enemy. Such ships as the *Twelve Apostles* could not be dealt with except by ships of equal size, and there must be a reserve force of large ships to meet a possible attack by the enemy, while the other operations of war were executed by those smaller vessels.

Mr. OTWAY said, that on reference to the *Navy List* it would be seen that we had five line-of-battle ships to one possessed by Russia, and the latter were all sailing vessels, while we had something like twenty-seven steam men-of-war. Now, at the moment when a particular class of vessel was necessary to carry on the war the right hon. Gentleman put the artificers of the dockyard on the construction of large vessels not adapted for the purpose required.

Vote *agreed to.*

(50.) 2,000*l.* Medicines and Medical Stores.

MR. STAFFORD said, he wished to ask whether there was any truth in the report that the Government were about to establish a civil naval hospital somewhere in the Bosphorus? He should be glad to see some such statistics of the hospital at Therapia as had been furnished to the House relative to the hospital on the other side of the Bosphorus. The position of the hospital at Therapia had been, and was still, he believed, very unsatisfactory; but it would be well if some returns could be furnished giving the proportion of deaths to cures there, with any other information that could be given.

SIR CHARLES WOOD said, he would inquire whether any such statistical accounts as those desired by the hon. Gentleman could be produced. He had not the least objection to furnish any such accounts.

Vote *agreed to;* as was also

(51.) 1,000*l.*, Miscellaneous Services.

(52.) 1,584,803*l.*, Transport Service.

SIR CHARLES WOOD said, the Vote new before the Committee was certainly one of a very large amount, but the reason of the increase was mainly to be found in the additional services they had been called upon to perform. Since the passing of the last Estimates the Government had, under various arrangements with our allies, undertaken to convey troops, horses, and stores to an extent far beyond what was then contemplated. The Committee was aware that a treaty had been entered into with Sardinia, by which we had engaged to convey the Sardinian troops to the Black Sea, and to provide a passage for such reinforcements as were required. That service had been satisfactorily completed, and the communications had been kept up. In like manner they had received from their ally the Emperor of the French a proposal which was fair and reasonable enough. It was said by the French Government—

> "We are a military nation; we have men whom we are willing to send to the Crimea. You, on the other hand, are a great naval nation, and if we send troops, horses, and stores, we ask your assistance to convey them."

That was a most liberal offer, and one to which Her Majesty's Government at once acceded. As soon as the demand was made they conveyed in about a fortnight 10,000 French troops to the Crimea, and they had since been aiding our allies to a large extent, they having also done a great deal for themselves in that way. The Government had, moreover, supplied the means of moving upwards of 40,000 of the Turkish army from Varna to Eupatoria. On a former occasion he had stated that something like 2,500 horses had been so conveyed, but this was far below the mark, for he had since received an official document from which it appeared that the actual number of horses transported was 11,000 and of that large number only one was lost in the transit. He mentioned that fact because it was most creditable to the officers on the spot who had been charged with the embarkation and the landing. Since that time numerous transports had been engaged in the conveyance of the Turkish Contingent, and the other day the French Government, being desirous to send a considerable reinforcement to their army in the Crimea, Her Majesty's Government were enabled to announce to them that all the transport vessels they required would be ready at the time they desired. In his opinion it would be the worst economy in the world not to have always in readiness ample means for the conveyance of horses, guns, stores, and men to the seat of war. The total number of men removed in transports since the beginning of the war was very much larger than hon. Members would suppose. Since the commencement of the war there had been removed from one place to another 246,000 English, French, Sardinian, and Turkish troops, and 32,000 horses, besides guns and stores. It had been found necessary in the course of the present year to reconstitute the Transport Board, and though some confusion had been caused in the first instance by the transference of the duties of one department to another in the middle of the operations of the war, he was glad to state that the business of the Transport Board was now conducted with much greater regularity and order. The arrangements which had been made by the Government bid fair to reduce to a considerable extent the expense of the transport service. According to the reports which had been received, there had not been that unity of control at the seat of war that there ought to have been; but his noble Friend the Secretary of State for the War Department had now sent out an Admiral to Balaklava who would have the whole of the transport service placed under his control. He believed himself that the first step in the way of improving the transport service was to place it under the control of one supreme authority, and he had been confirmed in that opinion by the reports of Sir John M'Neill, and of other gentlemen who had recently left the Crimea.

MR. H. BROWN said, he wished to call the attention of the Committee to the reckless manner in which the public money was expended in that particular branch of the service. Some time ago a complaint was made that a large steamship had been loaded by three different departments, acting in no concert whatever, and that when she was in the Thames she had to be surveyed in order to decide whether she was seaworthy, and fit to proceed to sea. That vessel was the *Candia*, and it appeared from the Government returns that since the 26th of December she had cost the State no less than 25,000*l.* But the transport service would always continue to be a source of great expense and disappointment to the country unless a different principle were introduced into the mode in which it was conducted. The real root of the evil was that we paid for time instead of for service, whereas the French acted on a system entirely different, and had consequently their transport service performed in a manner much superior. If such a system were adopted, we should find that goods were delivered at their proper destinations in time for the purposes for which they were wanted, and without any confusion between Balaklava and Constantinople. The French transports were taken up in the same manner as our emigration vessels, for the service to be performed, and they, besides, offered a bounty to the captain as well as the owner for making the passage in a certain number of days. The right hon. Baronet the First Lord of the Admiralty boasted that 246,000 men had been conveyed to the Crimea, but had he taken the trouble to ascertain the cost per man of transporting that number of troops a distance of 3,000 miles? He (Mr. Brown) believed that the money voted by Parliament for the transport service would have taken the same number of men, together with stores and ammunition, to Australia and back again twice, according to the scale laid down by the Emigration Commissioners. Thus there was nothing to boast of in the manner in which the transport service had been conducted. On the contrary, a great want of arrangement and management had been displayed, and it was seldom known at the right time when a ship would be required, and when her cargo would be placed on board. Some short time ago a vessel sailed from Liverpool with three officers, seventeen men, and some officers' horses belonging to a regiment which had been shipped in other vessels, and the total cost of transporting them to the Crimea amounted to no less a sum than 5,456*l.* That was only one among numerous instances in which gross mismanagement had been displayed. He acknowledged that the officer at the head of the service stood pre-eminently high in the public service, but, however good a man he might be, it was impossible for him to make a bad system work well. For his own part, he would rather have a bad man with a good system than a bad system with a good man. He could assure the right hon. Baronet that great discontent existed in the country with regard to the management of the transport service. The right hon. Baronet at the head of the Admiralty had stated, at an early period of the Session, that the complaints which were made against that service were unfounded, and asked hon. Members to mention particular cases of mismanagement, when the hon. Member for Linlithgowshire (Mr. Dundas) stated that some of the heavy siege artillery which had been sent out to Balaklava were then in Portsmouth harbour, having been brought back in the transport in which it had been shipped. They had heard of a vessel having been sent to Newcastle to take on board cylinders which were intended to blow up the obstructions at the mouth of the harbour of Sebastopol, but the right hon. Baronet had not told the Committee that those cylinders were never landed, but that the ship in which they were embarked had been employed for two or three months in the conveyance of troops with the cylinders in her hold. It had been stated that the *Prince* was lost in consequence of her cables having been run out in a gale without being clinched, but the First Naval Lord of the Admiralty said that, though the cables of that ship were not clinched, they were lashed. It had, however, been stated by the officer in charge of the port of Balaklava, that the *Prince* went into Balaklava Roads with only one anchor and one cable on board, and the harbour-master of the port had remonstrated on three several occasions against the ship's being allowed to remain in the Roads under such circumstances. He found that, in another place, Lord Panmure, the Secretary at War, had stated, in answer to a taunt from Lord Ellenborough, that he was happy to inform the noble Lord that, under the new arrangements, the War Department was working most satisfactorily, and was in weekly communication with the Admiralty. Why, persons possessing any commercial experience would laugh at the idea of a weekly communication taking place between those two great public departments. He regretted that, so far as he was aware, no improvement whatever was perceptible in the management of the transport service.

ADMIRAL BERKELEY said, he wished to say that he had never made any statement, either in that House or elsewhere, as to the number of cables and anchors on board the *Prince* at the time she was lost. He had merely stated, on the authority of the affidavits of the riggers who had been employed, that the cables were lashed. He regretted that the hon. Member for Tewkesbury (Mr. Brown) had not made the speech he had just delivered to the Sebastopol Committee, who might then, perhaps, have come to a different conclusion with reference to the case of the *Prince*.

MR. H. BROWN said, he had not been invited to give evidence before the Sebastopol Committee, and therefore he did not attend that Committee.

MR. LINDSAY said, it was his belief that very little improvement had taken place in the transport department. He was convinced that one Gentleman, responsible to the Admiralty, would manage the business better than any Board. Until that was the case they could never fix the responsibility. Looking at the number of men and horses conveyed, the work appeared enormous; but a large number of those troops were conveyed, not from this country, but from Varna or Malta, or some short distance. The actual work done was very far short of what ought to have been done for the money. The evidence before the Sebastopol Committee showed that valuable steam-ships had been kept for months lying idle as store-ships at Balaklava. He was glad to find that merchant ships were to be employed, in preference to war-ships, as transports. He was convinced that the number now employed was amply sufficient for anything that could be required. Our Government ought, like the French, to look at the capacity of the vessels, also to pay a premium to the captains for voyages performed under a certain time. He hoped that before the Session closed an amended Return would be laid before the House of the services actually performed by the transports; for the Return already given was full of errors.

MR. STAFFORD said, that having paid great attention to the state of the transport service in the East, he had come to the conclusion that it was impossible to arrive at a correct knowledge of the real amount of service performed, and losses sustained by mismanagement and delay, for the simple reason that those most concerned in it and who best knew the facts, were precisely the persons who had the greatest interest in concealing them. He thought the Committee ought to be informed how far the Transport Board was independent of the Admiralty, and what was the precise nature of the relations which existed between those departments. It would be recollected that in June, 1854, the Duke of Newcastle stated that the department in which the greatest failures had occurred was the transport service, and the noble Duke expressed his opinion before the Sebastopol Committee, that the transport system would not work satisfactorily in such a contest as that in which the country was now engaged unless it were placed under the control of the Minister of War. He wished to know whether the First Lord of the Admiralty concurred in the opinion of the noble Duke, or whether he still thought that the transport service could be properly conducted under the superintendence of the Board of Admiralty? With regard to the statement of the hon. Member for Tewkesbury (Mr. H. Brown) that there was a weekly communication between the War Department and the Board of Admiralty, he thought there must be some mistake, for he was satisfied that at least a daily communication took place between such important departments of the public service. He wished also to ask whether the First Lord of the Admiralty could give the Committee any information with regard to the arrangements made for the transport of our sick soldiers from the shores of the Black Sea? Perhaps the right hon. Baronet could state how many ships were engaged in that service, and whether they were fitted in such a manner as to insure the comfort of the unfortunate persons for whose passage they were employed. Certainly the condition of the wounded and invalided soldiers who had recently arrived here from the Crimea was not such as to justify him in saying that the transport system was not capable of improvement.

Sir CHARLES WOOD said, he had not the least hesitation in telling the hon. Gentleman that he did not agree in the opinion of the Duke of Newcastle that the transport service ought to be placed under the control of the Secretary for War. The late First Lord of the Admiralty (Sir J. Graham) expressed an opinion in which he (Sir C. Wood) entirely concurred, that the management of the naval transport service would be conducted much more satisfactorily under the control of the Board of Admiralty than by the Secretary for War. He might observe that the communication between the War Department and the Board of Admiralty was not weekly, or even daily, but almost hourly. With regard to the hospital ships, to which the hon. Member for North Northamptonshire (Mr. Stafford) had referred, he might state that there were now four vessels employed in conveying the sick and wounded from the Crimea to Scutari, and taking back convalescents, and he believed they were properly fitted, and perfectly efficient for the service in which they were engaged. He regretted to hear the statement of the hon. Gentleman with regard to the condition of the invalids who had recently arrived from the Black Sea, but he could only say that no complaints had reached him on the subject.

Sir GEORGE TYLER said, that from what he had seen of the present Transport Board, and the mode in which it performed its business, he had no hesitation in saying that Captain Milne, who was at the head of that Board, was most admirably adapted

for the discharge of his duties. He thought there was now no reason to complain of the mode in which the business of the Transport Board was conducted. He believed that there were two ships in that service in which the hon. Gentleman (Mr. Lindsay) was interested, and he should like to ask if he would be satisfied with a lower rate of freight than was given for other vessels.

Mr. LINDSAY said, he believed the superintendent of the department to be a most efficient officer. Make him the one responsible party, and the others under him, and he should be satisfied. The hon. Gentleman had made allusion to two ships that he (Mr. Lindsay) once was interested in. He believed that those two ships were the lowest in the list.

Vote *agreed to;* as was also

(53.) 755,239*l.*, Packet Service.

House resumed.

FISHERIES (BRITISH ISLANDS AND FRANCE) BILL.

Order for Committee read.

Motion made, and Question proposed—"That Mr. Speaker do now leave the chair."

Sir GEORGE PECHELL said, he should move as an Amendment that the Bill be referred to a Select Committee. It was a question of great importance to the maritime population of the coasts of Suffolk, Kent, and Sussex, that no disadvantage should be inflicted upon English fishermen, as compared with those of France. The quarrels which took place in 1839, between the fishermen of the two countries made it necessary that the matter should become a subject of negotiation between the noble Lord now at the head of the Government and Marshal Soult, and a Bill was passed in 1843, by which three miles from the coast of England, and three miles from the coast of France, were fixed as the limits of the exclusive claim to the fisheries; but certain exceptions were made as to the oyster fisheries in the neighbourhood of Granville, and of the isles of Guernsey and Jersey. The effect of that Bill, however, would be to give up more than the French Government claimed, and to exclude English fishermen from a bank which had been discovered within the last four or five years outside the limits of each shore fishery, and, as it were, in the midst of the Channel. The complaints made by Count Walewski in 1852 were, that the English boats pursued fishing on the French coast in the prohibited months, June and July, when the oysters were not wholesome; that the vessels were not marked and numbered, according to the regulations; and that in cases where an English boat had been captured and its crew charged before the Commissary of Marine with illegal fishing, the English Consuls at French ports refused to attest the evidence that was there taken, so that the men could not be sent to England for trial. It would be quite satisfactory to the French if our Government would only give directions to the Consuls abroad and collectors of customs in our ports to look after the subject. He computed that by the Brighton and South Coast Railway and by the South Western Railway during the months of May, June, July, and August, in which oysters were not considered wholesome, not less than 16,224 tons, or upwards of 600,000 bushels of oysters were sent up; and that this was a very serious matter, and ought to be attended to.

MR. BERESFORD seconded the Amendment. He trusted that the House would do nothing to impede the oyster fishery trade, and that, at any rate, an inquiry would be instituted before the law was altered. In the deep sea wholesome oysters might be obtained between April and September.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the Words "the Bill be committed to a Select Committee," instead thereof.

MR. BOUVERIE said, that the sole object of the Bill was to carry into effect a treaty with France. The hon. and gallant Member for Brighton really represented in the matter a great poaching interest. Oysters were taken at forbidden times, and the French Government complained of the infraction of the law, and demanded that we should enforce our engagement with them. He hoped, in spite of his hon. and gallant Friend and his poaching constituents, that the House would pass the Bill.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 66; Noes 17: Majority 49.

Main Question put, and *agreed to*.

Bill *considered* in Committee.

The House resumed.

Bill *reported* as amended.

SALE OF BEER BILL.

Order for Committee read.

Motion made, and Question proposed "That Mr. Speaker do now leave the chair."

THE MARQUESS OF BLANDFORD said, he should oppose the Motion. The Bill was brought in, not upon the responsibility of the Government, but upon that of a private Member only. It had been brought in on the 27th of July, was read a second time immediately afterwards, and it was now proposed to go into Committee. He objected to such hurry in the case of a measure which upon all hands must be admitted to be viewed with very different feelings by different parties. The only evidence which was taken by the Select Committee which had sat on the subject was in favour of the views of those who supported the Bill, and there was, no doubt, a large mass of evidence which might have been given on the other side had it been called for. The Committee had reported that they had not time to go into further evidence, but even the evidence which had been taken had not yet been put into the hands of Members, and hence, without expressing any opinion upon the measure, he should move that the Committee be adjourned to that day three months.

MR. FREWEN seconded the Motion. He contended that the Act of last year had not had sufficient time for its effect to be tried.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ALCOCK said, that the present was admitted by the public at large, and must be known to every Member as a most exceptional case. Every one knew that the matter pressed for legislative interference, and it was in the recollection of all that that House itself had been put in a very false, not to say dangerous, position, through the feelings excited by the Act of last year. He had it in contemplation to move as an Amendment that public-houses be allowed to be open on Sundays from six o'clock to twelve at night. He hoped to have an opportunity of taking the sense of the House upon that proposal.

MR. H. BERKELEY said, that the

Committee, acting in what they considered a spirit of the utmost fairness and impartiality, had themselves selected the witnesses who were called before them, and after hearing the evidence of sixteen magistrates and two Commissioners of Police, they had come to the opinion that a sufficient case had been made out to justify the immediate interference of Parliament.

Mr. KINNAIRD said, that there were many persons who had watched the working of the Act of last year who were not examined before the Committee on the Bill. Setting aside, however, any objections upon that ground, he certainly thought the evidence which was taken ought to be in the hands of Members before the Bill went into Committee.

Sir JOHN SHELLEY said, he thought there was some reason in the objection that the evidence was not in the hands of hon. Members; but a postponement of the Committee for three days instead of three months would be sufficient to get out of the difficulty. He would move that the debate be now adjourned, in order to give an opportunity to hon. Members to have the evidence before them.

Mr. NAPIER said, he was of opinion that the subject of the Bill was not one in which the House should lightly interfere; but, at the same time, he thought it would not be worthy of the House to repeal in one Session an Act passed in the preceding Session.

The Marquess of BLANDFORD said, he had no objection to amend his Motion by moving that the Committee be taken that day week.

Sir JOHN DUCKWORTH said, he believed that the objection of the noble Lord (the Marquess of Blandford) was to the principle of the Bill, and hence he thought that he ought to take a division upon the third reading, and not throw obstacles in the way of going into Committee.

Sir WILLIAM JOLLIFFE said, he trusted that the House would pause before rejecting the Motion for going into Committee. He believed if the Motion were rejected, great agitation and discontent would be the result through the whole country.

Sir JOHN SHELLEY said, he would not press his Motion for the adjournment of the debate.

Mr. GLADSTONE said, he thought that Bills ought not to be passed which were based upon the Reports of Select Committees until the evidence in support of those Reports was in the hands of hon. Members. At the same time the present measure was a very exceptional one, and one which deserved careful consideration at the hands of the House. He certainly thought that some expression of opinion ought to be given by the Government, for upon that, he must confess, his vote would mainly depend.

Viscount PALMERSTON said, that there could be no doubt but that the question was one with which hon. Gentlemen were well acquainted, and, as it appeared to him, it was also one upon which all could form a judgment, even without the assistance of the evidence taken before the Select Committee. The House had delegated an inquiry to a Committee; that Committee, chosen with much care, had come to a decision without much difference of opinion. Now, considering the necessity and simplicity of the subject—for it was by no means a matter of complexity—considering the lateness of the Session, and also bearing in mind the feeling of the country upon the question, he would submit that it would be the better course to go into Committee upon the Bill rather than wait for the evidence taken before the Select Committee; the more especially as the latter course might imperil the passing of the measure in the present Session of Parliament.

Mr. VILLIERS said, that the principal change made in the law was an extension of the time of closing from ten to eleven at night. As one of the friends of the Bill of last year he thought the change now proposed the best thing that could be done, and he did not look upon it at all in the light of a repeal of the Act.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 62; Noes 10: Majority 52.

Main Question put, and *agreed to.*

Bill *considered* in Committee.

House resumed.

Bill *reported* as amended.

The House adjourned at half-after Two o'clock.

HOUSE OF COMMONS,

Wednesday, August 1, 1855.

Minutes.] Public Bills.—3° Customs Tariff Acts Amendment and Consolidation; Turnpike Acts Continuance (No. 2).

CARLISLE CANONRIES BILL.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the chair."

Mr. R. PHILLIMORE said, he thought the principle proposed to be dealt with was too important to be discussed in an unpractical manner. At that advanced period of the Session it would be hopeless to expect the passing of the Bill, and, therefore, any lengthened discussion would be simple waste of time. He doubted, too, whether the Bill would effect the object which the hon. Member who had charge of it (Mr. Ferguson) had in view, as the suppression of a canonry would not lead to the distribution of its funds among the poorer parishes, but the tithes would be expended in the parishes from which they were derived. He should, therefore, move, as an Amendment, that the House should go into Committee that day three months.

Lord JOHN MANNERS said, he would second the Amendment, and he thought it would be advisable to consider maturely the scheme proposed by the Ecclesiastical Commissioners before deciding upon a measure of this nature.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. FERGUSON said, he was not inclined to withdraw the Bill upon the plea suggested of the lateness of the Session, but, in the interest of the Church itself, he felt bound to ask the House to proceed with the measure.

The Marquess of BLANDFORD said, he agreed in the principle of the Bill, which was to increase small livings, and especially that the property belonging to deans and chapters in certain places should be applied to that object. That was a principle which he would like to see more extensively carried out than it had been, for, although he had always spoken in favour of the Ecclesiastical Commissioners, he did not think they had paid that attention to local wants that they ought to have done. At the same time, whilst concurring in the principle of the Bill, he differed from the hon. Gentleman (the Member for Carlisle) as to the mode in which he proposed to carry it out. He thought, for instance, that it was quite unnecessary to suspend the canonry for the purpose; for the income of the dean and chapter of Carlisle was a very large one, and under the system of improvement of their property which was now going on, he believed there would be a considerable surplus, quite sufficient to provide for what the hon. Gentleman wanted. All that was necessary was a legislative enactment, directing that that surplus should be used in the first instance for supplying the local wants of Carlisle. With those views he would recommend the hon. Gentleman not to press the Bill at present; but he (the Marquess of Blandford) so far sympathised with him, that he would use every endeavour in his power to carry out the object of providing for local wants out of the surplus property of the cathedrals.

Mr. FREWEN said, he had supported the second reading of the Bill, but hoped that further proceedings upon it would be postponed until the next Session of Parliament.

Mr. T. CHAMBERS said, that to show the necessity for the measure, he would call attention to the fact, that in the city of Carlisle there were four parishes, containing 26,000 inhabitants, whose spiritual interests were cared for by four incumbents and two curates. The aggregate of the incomes paid to those four incumbents were only 500*l.* per annum. In the parish of St. Cuthbert the Church revenues amounted to 2,200*l.* a year, while the stipend of the incumbent was only 150*l.*; and in St. Mary's parish the incumbent only received 74*l.* 10*s.* 8*d.* a year, while the Church property produced 1,080*l.* Such a state of things required alteration, and it would be in vain to expect anything from the Ecclesiastical Commission. He thought the people of Carlisle had reason to complain that a shilling of their tithes should be applied to any other purpose until the spiritual wants were amply provided for. It was said that the tithes, if the measure were passed, would return to the parishes to which they belonged; but power could be given to the Ecclesiastical Commissioners to provide out of the fund thus obtained for the wants of the parishes requiring assistance. He considered that the proposed Bill was a practical measure for Church reform, and that it ought to be passed.

Sir WILLIAM HEATHCOTE said, he would recommend the withdrawal of the Bill, because if it were then persevered in it would lead to no result.

Mr. COWPER said, he would suggest that the debate should be adjourned, and that they should apply themselves to the consideration of business of more pressing importance. He considered that the principle of the Bill was not clearly defined, and that the machinery was not perfect.

Sir JOHN PAKINGTON said, he must appeal to the House, whether they were not throwing away their time by continuing the discussion.

Mr. HADFIELD said, he hoped his hon. Friend who had charge of the Bill would divide on the question, and he would support him.

Mr. FITZROY said, that if the question were pressed to a division, it would place some of them in a position of great difficulty. So far as he was aware of the character of the Bill, he would be rather inclined to support the principle of it, but if he were called upon to say aye to the Motion for going into Committee, it seemed to him that he would be assisting to throw away the day, because they must know very well that, if they should go into Committee, the measure would give rise to long debates, and the time allotted for business on that day would be entirely absorbed. He would not wish, however, to negative the principle of the Bill, but thought it would be much better to have an opportunity of discussing the measure on a future occasion than to commit themselves then one way or the other. He should therefore move, as an Amendment, that the debate be now adjourned.

Motion made, and Question put, "That the debate be now adjourned."

The Committee *divided*:—Ayes 21; Noes 36: Majority 15.

Question "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

House in Committee.

Mr. FERGUSON said, he was satisfied with having affirmed the principle of the Bill, and would not then proceed further with it, as he considered that it would be useless to attempt to carry the measure through that Session.

House resumed. (No Report.)

UNION OF CONTIGUOUS BENEFICES.

[*Progress, 25th July.*] Order for Committee read.

House in Committee.

Sir W. Heathcote

Clause 2 (On representation of inhabitants of any small parish that their benefice might be advantageously united, Bishop of the Diocese shall inquire and may certify to Church Building Commissioners.

Amendment proposed, in page 2, line 37, to leave out the words "Her Majesty's Commissioners for Building New Churches," and to insert the words "the Parishes Commissioners."

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. HENLEY said, he thought the Church Building Commissioners were better for the purpose in view than the body proposed to be constituted by the Bill. He considered, therefore, that it would be better for the present to leave the matter in the hands of the Church Building Commissioners, and not create a new body on the eve of such a change, as was inevitable, in the Church Building Commission.

Sir JOHN PAKINGTON said, his right hon. Friend had lost sight of the real facts of the case. The reason why the power was given to the parishes Commissioners was, that the Church Building Commission was about to expire in twelve months from that time.

The Marquess of BLANDFORD said, the Bill was prepared by the Commission, and it was proposed last year to invest the powers in the Church Building Commissioners. But the House had subsequently decided to limit the existence of that Commission to two years, which would expire on the 26th of next July. He put it to the Committee, therefore, whether it would be wise to confide the powers of the Bill to that body, and by so doing add another Act to the already complicated structure of English Ecclesiastical Law? The Bill was an experiment, and the proper course to take with it, was that which had been recommended by the Commissioners—namely, to limit the existence of its powers to a certain period, and then to deal with it as might be seen fit.

Mr. APSLEY PELLATT said, he objected to the Bill altogether, because he considered its whole foundation wrong. If national property were taken, it should be applied to national purposes. The churches were national property, and it was not a national purpose to transfer those which were taken down to other places, the inhabitants of which ought to erect their own churches and support their own clergy. He also objected to the bishops having any interference with the Bill, or forming any part of its machinery, their duty being simply to consecrate churches and grave-yards. He should move as an Amendment, therefore, that the Chairman report progress.

MR. R. PHILLIMORE said, he regarded the Bill as purged of all the objections entertained against it in its former shape. There was then danger of its leading to the desecration of church-yards and the remains of the dead, and new powers of appeal to the Privy Council were also given, which did away with other grave objections. He could not see on what grounds the hon. Member for Southwark wished to defeat the measure, he should give his support to the proposition of the noble Marquess.

SIR GEORGE GREY said, he trusted that his hon. Friend the Member for Southwark would not press his Amendment, because it was only a week ago that the House had decided, upon a division, that the Bill should be proceeded with. With regard to the principle of the measure, it appeared to be calculated to adapt the distribution of church accommodation to the altered circumstances of the times. He therefore asked the Committee to decide upon the question of reporting progress before discussing the Amendment to the clause.

MR. HADFIELD said, the powers of twenty-eight Acts of Parliament were to be conferred on the Church Commissioners to carry out the Bill. The Bill had been read a second time without consideration; and it might be considered as a local surprise. He should oppose the Amendment to omit the Church Commissioners—the Amendment of the noble Lord (Marquess of Blandford); but, at the same time, he (Mr. Hadfield) was by no means clear that the principle of the Bill was one to be adopted. The Bill began at the wrong end, and his objection to it was not removed even by the exclusion of the Church Building Commissioners.

Motion made and Question put, "That the Chairman do now leave the chair."

The Committee *divided*; Ayes 12; Noes 62; Majority, 50.

SIR GEORGE GREY said, that with regard to the Amendment of the noble Marquess, the real question was, to which of the Commissions the proposed powers could be entrusted with the greatest advantage. The Church Building Commission was in some degree a volatile body, its powers having been renewed hitherto by Parliament from time to time, but the Parishes Commission had in fact no real existence; having been appointed to inquire into a particular subject, and having made its Report, the adoption of the Amendment would impose on the Crown the necessity of appointing a new Commission for a particular purpose. He thought the wisest course would be to leave those powers in the hands of the Church Building Commissioners, unless the right hon. Gentleman opposite (Sir J. Pakington), who had charge of the Bill, should be of opinion that a contrary course was desirable. It was objectionable to multiply Commissions to too great an extent, and the better course he considered would be to concentrate existing functions as much as possible in the hands of a single body. A Committee might be appointed at the commencement of the next Session to inquire into the whole subject, with a view to that result.

SIR JOHN PAKINGTON said, he could only say, in answer to the appeal of the right hon. Gentleman, that his sole object was that he proposed powers should be vested in the hands of that Commission, which could most efficiently exercise them, and he could not approve of their being entrusted to an expiring body. He heard with great satisfaction the announcement of the right hon. Gentleman, that in the course of the next Session he intended to propose the revision of the Church Commission, with a view to the consolidation of its powers, which he regarded as of great importance, but he did not feel that that proposition had any bearing on the immediate question. He thought the most advisable course was to adopt the proposition of the noble Marquess.

After some further discussion, the Amendment was *agreed to*.

Clause *agreed to*.

Clause 3.

MR. CUBITT said, he wished to move at the end of the clause to insert the following words: "Provided that no rates for the purposes aforesaid be continued to be levied on the inhabitants beyond what may suffice for the wants of the respective parishes when so united." He wished the Bill to work, and therefore he had proposed that addition. In the City it was proposed to take away three churches out of five, and it would be exceedingly objectionable to parishioners if called upon to pay church-rates for the support of churches at a distance from the parish. He had no objection to churches being taken down and the sites sold; but he did object to the law remaining in such a condition that the inhabitants of Fenchurch-street or Lombard-street were to be called upon to pay a house-tax after the church was removed. If the words or similar words were not added, he was satisfied that the labours of Parliament would be thrown away.

Sir JOHN PAKINGTON said, he could not consent to the proposal made by the hon. Member for Andover. The hon. Member spoke of church-rates, but the Amendment did not point at church-rates, but at a poundage-tax, which had existed from the time of Charles II., known as the Fire Act. The Committee would see that that payment had become a payment in lieu of tithes, and was as much Church property as tithes were. Because certain parishes were to be thrown together, the Church was to be plundered of its means, and the present opportunity was selected for the experiment. The Bill before the Committee carried out the principle that had been in operation in legislation for some years past, namely, to make the superfluities of one district provide for the deficiencies of another. He saw no reason why the City should be exempted from the operation of that policy, and he hoped, therefore, that his explanation would do away with the objection of the hon. Member.

Mr. STUART WORTLEY said, he did not think that the Amendment would effect its object. He did not think the right hon. Gentleman (Sir J. Pakington), had quite understood the purport of the Amendment. It was not to deprive the Church of any portion of its property, but to prevent a burden being levied on parishes for which they received no substantial benefit. As the payments in question, however, were not, strictly and technically speaking, "rates," he feared that the exact words of the Amendment would not attain the object in view; but undoubtedly the subject deserved consideration.

Sir JOHN PAKINGTON said, so far as any rate in the shape of church-rate was concerned, that would not be transferred. In a recent instance—where the Bishop of London made an appointment in one of the most important districts in London, he made it a condition—that no less than 600*l.* a-year should be taken from the income of the new incumbent and transferred to a poorer district.

Mr. CUBITT, said he could not discover when the payment in question was commuted in lieu of tithes. He was in the habit of seeing very small congregations in some of the City churches. He thought the object of the Bill was very good, and ought to be carried out; but in the present instance the effect was to draw from the pockets of the people of one district a sum of money which was to benefit a distant district.

Mr. HENLEY said, the question raised by the hon. Member for Andover was of great importance. The Bill was to be worked by the voluntary action of the inhabitants, but it was a Bill for the whole country, and not confined to the City of London. In that view, he doubted whether, if a proposal were made to a parish near Birmingham or Manchester to give up 300*l.* a-year to augment a living in another district—he doubted whether that proposal would meet with much favour; and his opinion was that the City of London would, in similar cases, entertain very similar feelings. He doubted, where parishes were combined, whether the inhabitants would be willing to pay the same amount as before, for they would say naturally, "If the money is not wanted for our district, why should we be called upon to pay it?" That feeling, he feared, would seriously interfere with the efficient working of the measure. He believed the words proposed would not carry out the object of the hon. Member (Mr. Cubitt), but the question was well worthy of the consideration of those who had the Bill in charge, for if some inducement were not held out to the inhabitants they would not cordially co-operate in carrying out the Bill.

Mr. R. PHILLIMORE said, the poundage paid in the City was as much in the nature of tithe as any other rent-charge paid in lieu, and was therefore the property of the Church. He felt, however, the force of the objections of the right hon. Gentleman who had just resumed his seat, and thought that some words might be introduced to meet that and similar cases on the bringing up of the Report. The Amendment of the hon. Member for Andover would not, he thought, effect the object he had in view.

Sir WILLIAM HEATHCOTE said, he hoped the right hon. Gentleman (Sir J. Pakington), would be prepared with some words that would not only meet the case, but the cases of all other united parishes. He would throw out for consideration whether some machinery of a similar kind to that in the present Bill might not be applied to country parishes.

MR. FREWEN said, the particular difficulty was this, that they could not levy one rate on two parishes for one church. There was no law to effect such a proceeding.

Mr. APSLEY PELLATT said, he had no objection that a clergyman with a small income should enjoy a good income; but he objected to transfer funds from one district in order to provide funds for another district. He thought if, on uniting parishes, that a surplus existed over, say 500*l.* a year, that that surplus should be so dealt with as to augment poor livings.

SIR JOHN PAKINGTON said, he would consider whether a provision could not be inserted, on bringing up the Report, to meet reasonable objections. Also, whether some plan could not be devised to redeem those payments. He agreed that it would not be advisable to carry over church-rates to contiguous benefices.

Mr. CUBITT said, with the understanding that the matter would have consideration on the part of the right hon. Gentleman who had charge of the Bill, he would not press his Amendment, but he must protest against raising a fund to redeem this tax.

Clause *agreed to.*

Clauses 4 to 9 *agreed to.*

Clause 10.

MR. HENLEY said, he must complain that the provisions of the clause were ineffective to prevent the sale of grave-yards. The clause provided that no grave-yard should be sold separately from the site of the church, but no provision was inserted to prevent the sale of the site of the church and the grave-yard as well. The clause also provided that nothing in the Bill should legalise the sale of any church surrounded by a burial-ground; most of the churches, however, in the metropolis, abutted on the street, and therefore that provision was quite inoperative.

SIR JOHN PAKINGTON said, that the promoters of the Bill did not intend to interfere with existing burial-grounds, whether distinct from or attached to churches. He had no objection, therefore, to leave out the words in the clause "apart from the site of any church."

Amendment *agreed to.*

MR. HENLEY said, that having disposed of the question of burial-grounds, the Committee now came to the point involving the sale of the site of churches; and he thought that, as the promoters of this Bill had given up the idea of disposing of grave-yards, the power of selling the sites of churches could not be retained, because every inch of ground within these churches was frequently occupied by vaults used for the purposes of interment.

MR. R. PHILLIMORE said, he wished to propose as an Amendment, to omit from the clause words which went to legalise the sale of the site of any church. The people would consent to part with the tithes and emoluments attaching to those churches, but they would not part with the burial-grounds or with the sites.

SIR JOHN PAKINGTON said, he would remind the Committee that the Bill would be only operative by the consent of the parishioners, and that, in cases where interments had taken place in those churches, the remains and the monuments would be carefully and properly removed either by the friends or by the Commissioners. By the sale of those sites a large sum of money would be obtained to provide spiritual accommodation for thousands of persons elsewhere, and as this was no new proposal—as the sites of churches had been frequently disposed of for secular purposes and to accomplish works of utility, without Parliament ever interfering to prevent it—he hoped it would be acceded to in the present instance.

MR. W. WILLIAMS said, he believed there would be a strong feeling of opposition to the Bill, unless there was a distinct provision that the dead should not be disturbed, and the church sites kept as open spaces.

VISCOUNT EBRINGTON said, he should support the clause as it stood, for he thought it sufficient that the option of adopting the provisions of the Bill rested with the parishioners.

SIR WILLIAM HEATHCOTE said, he did not think that was a proper mode of putting the case, because the inhabitants of a particular parish might be desirous of adopting the other provisions of the Bill, although they were opposed to the sale of the site of their church. In his opinion it was impossible to draw a distinction between the sites of churches and burial-grounds, when both were equally used for the interment of the dead.

Sir GEORGE GREY said, he thought the right hon. Gentleman (Sir J. Pakington would do well to defer to what seemed to be the feeling of the Committee on the subject. He would suggest that the clause should be so altered as to prevent the sale of sites of churches in which interments had taken place.

Sir JOHN PAKINGTON was afraid even such an alteration as that suggested would materially affect the means of carrying out the objects of the Bill ; but looking to the feeling of the Committee, he thought it would be best to accede to the suggestion of the right hon. Baronet.

Amendment made, in accordance with the suggestion of the Home Secretary.

Clause *agreed to.*

Remaining clauses *agreed to.*

House resumed.

Bill *reported,* as amended.

SUPPLY—MISCELLANEOUS ESTIMATES.

The report of the Committee of Supply was then brought up and read by the clerk at the Table.

The twelve first Resolutions *agreed to.*

(13.) 17,696*l.*, for the National Gallery.

Mr. OTWAY said, he should move the reduction of the Vote by the amount of 300*l.* proposed as the salary of a travelling agent, and 1,155*l.* 4*s.* as incidental and travelling expenses for such agent. He found that, in order to enable the Trustees and Directors of the National Gallery to obtain valuable pictures which might be offered for sale on the Continent, it was proposed that a travelling agent should be employed at a salary of 300*l.* a-year, who might obtain the earliest information on such subjects. He considered the appointment quite unnecessary, for in every important city or town in Europe where there was any valuable collection of pictures there was either a British Minister or Consul, who would be able to acquaint Her Majesty's Government when any pictures of value were likely to be offered for sale. He understood that a German gentleman, Mr. Otto Mündler, had received the appointment of travelling agent ; but they knew nothing of the qualifications of that gentleman for the post, and he thought if such an appointment was really considered necessary, that, among our numerous native artists, some one might have been found upon whom such an appointment might have been properly conferred.

Mr. WILSON said, that the House had that year voted the sum of 10,000*l.* to enable the trustees of the National Gallery to purchase pictures during the current year, and it was probable that an annual Vote of similar amount would be made in future. It was, of course, perfectly useless to vote money for such a purpose unless means were taken to secure valuable pictures whenever they might be offered for sale. The hon. Member for Stafford had said that we had Consuls and Ministers abroad who could afford information to Her Majesty's Government with reference to such sales; but it must be remembered that valuable works of art were to be found not merely in large cities, but in small towns, and that their existence was only known to those who were intimately acquainted with the arts. The Ministers and Consuls of Great Britain were appointed in consequence of their fitness for the special duties they were called upon to discharge, and, generally speaking, they were not gentlemen upon whose judgment the trustees of the National Gallery could rely with regard to the purchase of pictures. He could only say, with regard to Mr. Mündler, that the trustees had endeavoured to select the person who was most competent to discharge the duties of the office, and that Mr. Mündler was well known in every city of Europe, and was thoroughly acquainted with all the valuable collections of pictures. Lord Aberdeen, before he went out of office, appointed Mr. Mündler upon the highest recommendation, and without any personal knowledge of that gentleman. It must be remembered that the person who received such an appointment should not only possess a knowledge of the most valuable pictures in the galleries of Europe, but should also have an intimate acquaintance with the continental languages. Undoubtedly, if any English artist had been equally eligible for the appointment, he would have had a prior claim; but, upon the recommendation of the trustees Lord Aberdeen had appointed Mr. Mündler, and he (Mr. Wilson) hoped the House would sanction the Vote required for the payment of his salary and expenses.

Mr. GROGAN said, he wished to know whether the money was to be employed in reimbursing that gentleman for expenses he had already incurred ?

Mr. WILSON said, that no expenses had yet been incurred by that gentleman.

Mr. DILLWYN said, considering that there were English artists who were perfectly capable of discharging the duties of the office to which Mr. Mündler had been appointed; he would support the Amendment.

Mr. SPOONER said, he wished to know whether the travelling agent was to have unlimited power with regard to the expenditure of the 10,000*l.* to be appropriated to the purchase of pictures?

Mr. WILSON replied, that the duty of the travelling agent would be to proceed from place to place under the direction of the Trustees of the National Gallery, and to report to them upon any pictures which he thought were of value, acting subsequently upon such instructions as he might receive from them.

Mr. BRADY said, he considered that the appointment of Mr. Mündler was an insult to the artists of this country.

Mr. CUBITT said, he thought it necessary that the person appointed to such a situation should be thoroughly acquainted with foreign languages, and that on that ground Mr. Mündler might be well fitted for the office.

Question put, "That 17,696*l.* stand part of the Resolution."

The House *divided*,—Ayes 45; Noes 38: Majority 7.

Resolution *agreed to*, as were also Resolutions 14 to 31 inclusive.

(32.) 52,500*l.*, War Medals.

Mr. STAFFORD said, he wished to ask what arrangements had been made for the distribution of medals to the relatives of those who had died in the Crimea; and whether any arrangements had been made for a more rapid delivery of medals to those soldiers who had been discharged?

Mr. FREDERICK PEEL said, the first step taken with regard to these medals was to obtain a list of the officers and soldiers entitled to receive them. Lists had accordingly been sent home from time to time, and those lists were referred to the Secretary of the Board of General Officers. When a person in England made application for his medal, all the Secretary had to do, was to ascertain that his name was on the list, and the medal was obtained without any difficulty whatever. With regard to those who were now in the Crimea, medals had been sent to the Commander in Chief to have them distributed there among the claimants. When applications were made at home for medals by the relatives of soldiers deceased, the first duty of the War Office was to ascertain that the claim was a good one, and the next that the person applying was entitled to receive the medal. When those points were ascertained, the medal, together with the effects of the soldier, was sent; an if there had been delay in any case, it had only arisen from the necessity of the War-Office determining who were the legal representatives of the soldiers.

Resolution *agreed to*, as were also the remaining Resolutions.

WAR WITH RUSSIA—MESSAGE FROM THE QUEEN.

Message from Her Majesty, *brought up*, and read by Mr. Speaker (all the Members being uncovered), as follows:—

"Victoria R.

"Her Majesty deeming it expedient to provide for any additional Expense which may arise in consequence of the War in which Her Majesty is now engaged against the Emperor of Russia, and relying on the experienced zeal and affection of Her faithful Commons, trusts they will make provision accordingly.

"V. R."

Message referred to the Committee of Supply.

The House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, August 2, 1855.

Minutes.] Public Bills.—1ª Customs Tariff Acts Amendment and Consolidation; Customs Laws Consolidation; Militia Ballots Suspension; Turkish Loan; Sale of Beer, &c.; Turnpike Acts Continuance (No. 2).

2ª Excise Duties.

3ª Bills of Lading (No. 2); Turnpike Trusts Arrangements; Sale of Spirits (Ireland).

DOWNING STREET PUBLIC OFFICES EXTENSION BILL.

Order of the Day for the Second Reading read.

Earl GRANVILLE moved, that the Bill be now read 2ª.

Lord REDESDALE said, it was very desirable, particularly after what had passed in another place, that public attention should be called to the state of our public offices. Disposed as these offices now were over different parts of the metropolis, the inconvenience that arose in the transaction of public business could hardly be told, and the advantage of concentrating them on one spot could only be appreciated by those who had experience of the present system. It was quite clear that there was but one spot in the metropolis in which it would be practicable, with a view to convenience and propriety, to place our public offices, and that was near the Houses of Parliament. It was also evident that a site so situated could not be obtained except at great expense. But then the whole of the plot of ground between Downing Street and George Street was covered with as poor buildings as any part of the metropolis, and he begged to impress upon their Lordships and on the public the advisability of acquiring the fee of that property with the view of having at command a full frontage from the Treasury to the Houses of Parliament. In the Bill then before their Lordships something was proposed to be done, but that something was very little; and so far from being calculated to secure to the nation the property at a cheap rate, it would have the effect of raising the value of the neighbouring property, which it would be necessary for the public ultimately to acquire. He thought it desirable that that notice should be given for the whole of the plot, and that power should be obtained in the ensuing session to get possession of the fee-simple of the land. It would not be necessary to proceed to pull down the whole of the houses, but if the fee-simple was obtained it would always be in the power of Parliament to do much or little; and in getting possession of the ground they need not even purchase the leases. Without any very extraordinary outlay possession might be obtained of the whole of the ground which would ultimately be required. He trusted that during the vacation the attention of the Government would be directed to this subject. He begged also to remind the Government of a proposition which was made some years ago by parties who said they were ready to undertake to obtain the ground, clear it, and erect the required buildings on it, and, for a certain number of thousands a year as rent for their expenditure, let it to the Government on such terms that the whole would ultimately fall into the possession of the Crown. If that plan could be carried out the works would be more economically built, and the property could be acquired for the country by a certain annual vote, and not by an extraordinary outlay in the first instance. He did not say whether it would be desirable or not to accept such a proposal, but it was deserving of consideration. He had before him the designs of these parties, and they proposed to adopt the whole of that portion of the buildings now erected in Whitehall, and to add other buildings as desired, and carry them on with a full frontage down to the Houses of Parliament, and to build all in a magnificent style. He hoped, however, that the attention of the Government would be turned to the necessity of obtaining the full frontage which would be ultimately required.

The Marquess of LANSDOWNE said, the public were extremely indebted to the noble Lord for calling the attention of that House, and of the other House of Parliament, to the circumstances connected with the state of our public offices. Not only the officials, but the public at large were deeply interested in this matter, for if hundreds of the former felt the inconveniences attending the present state of the offices, thousands of the latter who were obliged to transact business there also felt them. He entirely joined with the noble Lord in the hope that Her Majesty's Government would, during the recess, turn their attention to the subject, and that the Members of the other House of Parliament would likewise consider the amount of expenditure which might be incurred by an ill-placed economy. Every one knew the folly, in his own private house, of doing things piecemeal, the result of which often was to cause an ultimate expenditure of double what would have sufficed, in the first instance, if done on a plan and as a whole.

Lord MONTEAGLE said, he thought the proposal referred to by the noble Lord, to erect the required offices on a certain specified rental, was worthy of consideration. The experiment had been already tried, in the time of Lord Liverpool, with the barracks in the Regent's Park. The advantage of such a plan was that they saw at once what would be the total expense of carrying it out. He agreed with the noble Lord that the acquisition of the fee of the land to George Street was most desirable. It might not be necessary to occupy the buildings, but the Crown having become the owner would be able to make use of the ground as it might judge best. So far as giving the notices, Parliament ought in the next Session to be enabled to deal with that question.

Earl GRANVILLE concurred in the great importance of informing the public mind as to the real wants of the Government in respect to public offices, and the more so, because a right hon. Friend in another place, of great weight and official experience, had stated there was plenty of accommodation for other offices in the building now occupied by the Privy Council and the Board of Trade. He (Earl Granville) would appeal to his noble Friend the President of the Board of Trade whether his office was not very much crowded, and whether some departments under him were not inconveniently placed out of the building altogether.

Lord **STANLEY** of **ALDERLEY** observed that the whole statistical department was out of the office.

Earl **GRANVILLE** with regard to his own office, so far from there being any room to spare, there was absolutely no waiting-room for persons who wished to see him or the Secretary—that the Members of the Council had no room of their own, and were obliged to use the Board-room—and that a large portion of the clerks nearly struck last year in consequence of the great inconvenience they were put to from the want of proper accommodation. He, therefore, hoped that the statement of his right hon. Friend would not mislead the public. His noble Friend behind him knew that the report which they had lately received on the system of administration in Paris ended by a statement that that system could not be applied to England, owing to that disconnection of departments which was caused by their being in different buildings. He hoped the matter would be properly brought under the notice of the Committee of the House of Commons which was to be appointed next year.

The Earl of **HARDWICKE** thought great advantage would accrue to the naval service by placing the whole departments connected with it under one roof. Somerset-house would form a magnificent structure for uniting the whole of those departments, and then the Admiralty at Whitehall could be disposed of for other offices. He hoped the Government would consider this important question, not only in reference to Downing Street, but in reference to all the other Government offices, and particularly that great department—the Admiralty.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* for *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, August 2, 1855.

Minutes.] Public Bills.—2° Charitable Trusts; Crime and Outrage (Ireland) Act Continuance; Ordnance Board; Public Health Act (1854) Continuance and Amendment; Diseases Prevention.
3° Militia Ballots Suspension; Sale of Beer, &c.; Limited Liability.

MEDICAL OFFICERS IN THE CRIMEA.

On the Motion for going into Committee of Supply,

Mr. **STAFFORD** said, he was desirous of making a statement relative to a question that was somewhat personal to himself, and, what was of much more importance, to the medical officers now serving in the Crimea. It would be in the recollection of the House that a letter appeared in *The Times* newspaper of the 5th of July, containing certain statements with reference to the treatment of our wounded soldiers after the affair of the 18th of June. To that letter he (Mr. Stafford) had recently called the attention of the Under Secretary for War, and that morning there appeared in the same journal an answer to that letter, signed by two civilian surgeons serving in the army, in which the attempt was made to controvert the statements contained in the letter of the 5th of July, though with what success he should leave the House to judge on Tuesday next, when he proposed to enter fully into the whole matter. The letter which appeared in *The Times* of that morning contained the following passage:—

> "Instead, then, of it being 'impossible,' as Mr. Stafford says, 'to exaggerate the eulogies due to such men,' who thus, 'notwithstanding the risk of their own professional advancement, bring under the notice of the country the sufferings of the poor patients committed to their charge,' the public will, we trust, form a different opinion of one who for the sake of notoriety could thus gratuitously harrow the feelings of friends at home by making such unfounded statements and wicked exaggerations as are contained in his letter."

Now, in justice to himself, he must be permitted to observe that there was not one word of truth in the statement there made, that he had pronounced an opinion as to the writer of the letter of the 5th of July. It was entirely through mistake that the two civilian surgeons had attributed to the writer of that letter—of whose name he (Mr. Stafford) was at present ignorant—the eulogies which he had paid, and most deservedly paid, to the class of surgeons to whom he now referred. On a previous occasion, after inquiring whether the attention of Government had been called to the letter of the 5th of July, whether they had any reason to doubt its authenticity, and if they would be willing to avail themselves of the offer of the writer, and fully investigate the painful subject, he proceeded to say—

> "That statements had been made before the Commission, less generally known than those made before the Sebastopol Committee, which, although they caused the hearts of those who read them to chill with horror, were highly honourable to the regimental surgeons who came forward, notwithstanding the risk to their own professional advancement, to bring under the notice of the country the sufferings of the poor patients committed to their charge. It was not possible to exaggerate the eulogies due to these men."

He held in his hand the Report of the evidence which had been taken before the Commission issued by the Duke of Newcastle to inquire into the state of the hospitals of the British Army in the Crimea and at Scutari, and the head of which Commission was Mr. P. Benson Maxwell. Mr. Maxwell proceeded to the Crimea, and proposed to enter into inquiries with regard to the state of our military hospitals there, and to call before the Commission some of the regimental surgeons; and here was the letter which he had found himself obliged to address to the Adjutant General on the subject:—

> Camp, Jan. 8, 1855.
>
> "Sir,—In the course of my inspection of the field hospitals this day, in conjunction with my colleague, Dr. Laing, I was informed by one of the medical officers that several surgeons and commanding officers in the second division had been restrained from answering a series of questions addressed to them by me, by the following order, issued, I was told, by Major General Buller:—
>
> "'December 22, 1854.
>
> "'Memo.—Officers commanding regiments, and medical officers doing duty with them, will be good enough not to furnish answers addressed to them upon the hospital arrangements, &c., by any persons, unless under authority proceeding from his lordship the F. M. Commanding the Forces in the Crimea.
>
> "'The above refers to civilians, and workmen, without such authority.'
>
> "I have to request that you will favour me by submitting this order to F. M., the Commander of the Forces, with the view of his removing this obstacle to the progress of our inquiry.
>
> I have, &c.,
>
> (Signed) "P. Benson Maxwell.
>
> "The Adjutant General, &c."

Thus the House would perceive that there existed somewhere or other in the camp an *animus* decidedly hostile to those surgeons who were inclined to come before the Commission and give evidence. Of course as soon as the matter was brought under the notice of Lord Raglan the restriction was removed. He (Mr. Stafford) had also stated, and repeated now, that the surgeons who gave evidence as to the deplorable condition of the regiments entrusted to their charge, deserved the highest honour. It could not be said that those statements were made by anonymous writers, for the persons to whom he referred had signed their names in full in the Commissioners' Report; and amongst those who were deserving of the highest eulogies he might mention Surgeons Robert Cooper, 4th Dragoon Guards; J. R. Brush, Scots Greys; J. Paynter, 13th Light Dragoons; H. H. Massey, 17th Lancers; G. E. Blenkins, Grenadier Guards; John Wyatt, Coldstream Guards; J. A. Bostock, Scots Fusilier Guards; C. B. Hearn, 1st Royals; R. V. De Lisle, 4th Foot; and J. Dunlop, 88th Regiment. Between twenty and thirty gentlemen had come forward, whose names had been authoritatively published by the Government, and made a statement of horrors to which the evidence taken before the Sebastopol Committee could hardly bear any comparison. It was to those gentlemen, and to others whom he might name, not to the anonymous writer, that he had attributed the meed of his highest praise, and he only wished that the Report containing their evidence was more generally known. In consequence of what had occurred, he should feel it to be his duty on Tuesday next to read some extracts to the House from the statements made by those gentlemen before the Commission, in order to show how fearlessly and manfully they had spoken out with regard to the condition of the poor soldiers. The two gentlemen who had replied to the letter published on the 5th of July, stated, on the one hand, that the writer was afraid to give his name, and, on the other, that he had written for the sake of gaining notoriety. Those statements appeared to contradict each other, for he could not possibly see how any one who was animated by the desire of notoriety could hope to gain it by writing anonymous letters. That, however, was a proof of how undesirable it was for medical men to attribute to one another motives for the statements they made, when on the truth of the statements, and not on the motives which dictated them, depended the character of those who made them. The two civilian surgeons also stated that the writer of the letter of the 5th of July knew that no official contradiction could be given to him; but if that were so, then those two gentlemen and Dr. Hall were under no obligation to the writer for having been the means of bringing the matter before the House of Commons. No one could suppose for a moment that a letter could remain secret that was published in *The Times*, when between 70,000 and 80,000 copies must necessarily be distributed through all the quarters of the globe. The hon. Gentleman the Under Secretary for War, in answer to him (Mr. Stafford) the other night, stated that he had seen the letter, and had sent to inquire if its representations were correct, and that as soon as he had received a reply it should be laid upon the table. He considered, therefore, that the medical officers, so far from having any complaint against him, could not have been more fairly treated than they had been at his hands. In the debate on the transport service on Tuesday night, he stated that he had reason to believe that the condition of the wounded and invalided soldiers, who had recently arrived home from the Crimea, was not such as would warrant him in saying that the transport service was not capable of improvement. In reply the First Lord of the Admiralty observed that he was sorry to hear that statement, for no complaints had reached him. Another letter had appeared in the newspaper that morning, and a painful one it was, from the brother of the late Colonel Lowth, in which the writer said—

> "The wife of Colonel Lowth and myself, his brother, went on board the *Hansa*, and found him in an exhausted state, and in a cabin so ill ventilated that the air of it was pestilential. Our natural wish was to remove him from this terrible hole (for I can use no other term), and out of which his servant Hicken, the most devoted of servants, as every officer on board allowed, declared that his master's strongest wish was to be removed. Hicken at the same time stated that his master's only thought, when not turned upon his regiment, through his long illness, was to land in England once more. On our consulting the medical men, they all agreed that the state of Colonel Lowth was so bad that their opinion was that he would die in the act of being removed from his cabin; but, it must be added, that they all equally agreed that if he remained in that horrible atmosphere he could not survive many hours. Under these circumstances it was for us only to decide whether Colonel Lowth should be left in this hole to die in a few hours, or whether we should fulfil his only wish—to land, and, at the same time, to give him that one last chance of the fresh pure air reviving him. If he was to die, better that he should breathe his last in the pure air he wished so much to breathe again than in that fetid cabin so hateful to him. He did not die in the removal, as the medical men had fully expected, but was much revived by the open air on his way to his lodgings, where he died in half an hour, at least in a better place than in that horrible cabin. Only one word more. The cause of Colonel Lowth's death was not dysentery alone, as your correspondent would lead one to infer. He had been attacked by dysentery at an early part of the voyage, but this was soon checked, as his medical attendant on board himself assured me. No; the causes of his death were the severity of the wound which he received on the 18th of June (which became worse on the voyage), the attack of dysentery, and the exhaustion produced thereby; and, more than all, by the great heat and the extremely bad ventilation of the cabin."

Now, when he (Mr. Stafford) heard of the death of Colonel Lowth, though personally unknown to him, he must say that he felt so shocked and horrified that he made inquiries upon the subject, the result of which he alluded to in the question he put to the First Lord of the Admiralty the other night. He hoped the attention of the Government would be directed to the subject, for it was evident that if the accommodation for officers was so bad the accommodation for men would not be better. He trusted that the loss of that gallant officer and the painful letter of his brother, would have the effect of commanding the attention of Government to the subject, and that whatever department had control of the transport service they would insist upon such arrangements for the transport of our sick troops homewards, that an event so painful to all, and so highly discreditable to the system should not again be suffered to occur. He did not ask for any reply from the Government on the present occasion, for he felt satisfied that they would give the matter their most earnest and careful consideration.

LORD GEORGE PAGET'S GOOD-SERVICE PENSION.

Mr. DILLWYN said, he rose to call the attention of the House to a report that Lord G. Paget had received a good-service pension of 100*l.* per annum, with the view of inquiring into the truth of such report, and of ascertaining, if true, what the special services had been for which such pension had been awarded. There existed so much dissatisfaction with reference to the subject that it behoved the Government to give some explanations of the grounds on which they had given the pension, when, no doubt, it would be found that Lord G. Paget had performed services to the country beyond those which were already known to the public. He (Mr. Dillwyn) knew nothing personally of the matter, but had been made acquainted with it through the reports which had appeared in the public prints; and he assumed that those reports were true, for if they had not been so, it was probable that as they contained charges against some of the Members of the Government they would have been contradicted. Lord G. Paget, as far as he knew, was a gallant and meritorious Officer, but there were many others who were equally so to whom no pensions had been awarded. The noble Lord had bravely led his troops on the occasion of the memorable charge at Balaklava, and had performed his *devoir* as gallantly as any officer or private who took part in that affair. He believed, however, with that exception the noble Lord had seen very little active service; he certainly was at Alma, but the troops under his command were not under fire. He (Mr. Dillwyn) could not therefore conceive that the Government had given the pension to the noble Lord for his services at Balaklava, or that he had so pre-eminently distinguished himself on that occasion as to warrant his being singled out for such a reward. It was also alleged that the pension was given to the noble Lord on the ground of seniority; but that was certainly an insufficient reason for the preference which had been given, as the noble Lord's position as senior regimental Officer might have arisen from accident. As he had just stated, much dissatisfaction existed, because it was believed that the pension had been given to the noble Lord on insufficient grounds; he thought, therefore, that an explanation was due to all parties —to the country, the House, and the army—all of whom would hail with pleasure a statement which would satisfy them that the pension had not been given to Lord G. Paget on account of his high birth or connections, but that the services rendered by him entitled him to the reward which had been bestowed upon him.

Mr. FREDERICK PEEL said, that with Lord Hardinge most properly rested the responsibility of the selection of officers whose distinguished services he might consider entitled them to the good-service pensions. He (Mr. F. Peel) was rather surprised at the animadversions to which the present appointment had given rise, and wondered, also, that the hon. Member did not see the impropriety of bringing a question of that kind before the House, which could not possibly be expected to form a just estimate of the relative merits of officers. Unless Lord G. Paget's title rendered him unfit for the appointment, he (Mr. F. Peel) was totally unable to conceive that a better, or, under the circumstances, any other choice could have been made. The sum voted by that House admitted of six or seven good-service pensions being given, and it was thought proper that the cavalry, as well as the line, should be permitted to share in their apportionment, in order to mark the country's approbation of the distinguished conduct of the cavalry on that memorable occasion of the charge at Balaklava. Lord G. Paget was selected to receive his pension because he was the senior regimental Colonel of all the cavalry colonels who were in that action. It was well known that the noble Lord had on that occasion led his regiment in the most gallant manner against the enemy, rallied them on the other side, and brought them back again, behaving throughout the whole affair in the most collected manner. Having such strong claims, and being the senior regimental Colonel, the pension was awarded to the noble Lord; for, had he been passed over, the inference would have been drawn that he was wanting in his duty, which would have been most unjust. The hon. Member had drawn an invidious comparison between the merits of Lord G. Paget and the other colonels who were engaged at Balaklava. [Mr. Dillwyn: I alluded to all who had taken part in that charge.] Well, whatever might be the merits of the other colonels, they had never been in any previous action any more than Lord G. Paget had, and, therefore, his claim was quite as strong as theirs, on the ground of the active service which he had seen.

Colonel LINDSAY said, he did not rise for the purpose of making any comparison between the relative merits of Lord George Paget and other officers who had not received the pension, but with the view of calling the attention of the hon. Gentleman the Under Secretary for War to what appeared to him (Colonel Lindsay), and to many others out of doors, to be a somewhat anomalous state of things. The good-service pension was bestowed on officers as a reward for distinguished merit, and also with the view of increasing their pay, and it appeared to him and many others that, while they rewarded with those pensions parties who were nobly serving their country in the East, they somewhat neglected a generation of officers fast passing away, who had served their country bravely and effectually during the Peninsular war. No one would say that our officers in the East did not deserve everything that a grateful country could bestow, but, at the same time, they ought to reward those who had served our country for a longer period in other wars. He had received letters from many old officers who were engaged in the Peninsular war, urging him to bring their case before the House of Commons, but it was not his intention to make a move in the matter at present, as he hoped that their claims would be appreciated and rewarded by him who was most competent to judge of them —he alluded of course to the Commander in Chief of the army. He had made those observations with regard to the general question, and would, before concluding, mention the claims of one of those officers. He had been in seven general actions—he wore a medal with seven clasps—had obtained a gold cross from the Portuguese Government for services rendered during the Peninsular war—had been promoted to the brevet rank of captain in the Portuguese army, and had also been promoted for other distinguished services. That gallant officer supported his family on his pay, and had made in vain many efforts to obtain a good-service pension. He (Colonel Lindsay) had no doubt that there were others who had superior claims to that officer, but he mentioned his case as being one of a class which had been greatly neglected. He trusted that the military authorities would investigate the subject, and that they would not allow the claims of those who were nobly serving their country in the East to supersede altogether the claims of those who had gone through five or even seven campaigns.

SIR WILLIAM GALLWEY said, that many would perhaps consider that his question as to Lord George Paget's pension was a personal matter, but in reality it was not so. It was not a question of whether the noble Lord was justified in accepting the pension, for he (Sir W. Gallwey) thought any other officer who had been placed in the same position would not have refused the pension. There was, therefore, no intention of imputing any blame to the noble Lord for having done so; but the question was, whether there were not many other officers in the Crimea who, not only on account of actions in the field, but of toil endured in the trenches, which was much more difficult to bear, were more worthy of the pension in question than Lord George Paget? He wished to ask the Under Secretary for War a question, which would go far to determine in his mind whether the Government had acted rightly or wrongly in that appointment. The hon. Gentleman had stated that six or seven good-service pensions had been granted, and he (Sir W. Gallwey) wished to know whether they had been all granted to officers serving in the Crimea? [MR. F. PEEL: Yes.] In that case he thought there was a fair ground for bestowing one of those pensions upon the senior officer of cavalry, although his services might not, perhaps, in point of time or brilliancy, equal those of some other officers in different branches of the army.

VISCOUNT PALMERSTON: Sir, I would really put it to the discretion of the House whether this is a kind of discussion which can be carried on with advantage to the public service? The question raised by the Motion of the hon. Gentleman (Mr. Dillwyn) is whether the Commander in Chief, in the exercise of that discretion which is vested in him by virtue of his office, has properly or improperly selected a particular officer to receive one of those good-service pensions which the generosity of the country has placed at his disposal. Now, that question involves two considerations—first, as to whether the individual upon whom this reward has been conferred has himself performed services which, in the abstract, entitle him to receive it; and next, whether there are any other officers possessing claims which must be admitted, upon just consideration, to be superior to those of the officer upon whom the pension has been bestowed. I really would put it to the House whether it is possible for them—for the few Members who, by accident, upon a given day find themselves assembled within these walls—to be proper judges of cases of this sort? Is it possible that, even if they have a knowledge of all the facts and details of the particular case they can be competent judges of the conflicting claims of all the parties upon a due consideration of which the Commander in Chief's decision had been arrived at? If this House is to take upon itself not only to determine whether a particular officer upon whom any reward or honour is conferred is in himself deserving of that reward, but is also to pass in review all the other officers serving in a particular force and to determine whether any of those officers have or have not claims superior to those of the officer selected for reward, then, I say, this House is embarking into considerations with which it is utterly incompetent to deal, and such a course must be productive of most serious consequences to the discipline and efficiency of the military service. No one man can be selected out of a number among whom, perhaps, there is such a near equality of merit that even the person whose duty it is to make the selection may find himself embarrassed in the choice he is compelled to make—without giving rise to comment. The friends of those officers who are unsuccessful will naturally, and, no doubt honestly, believe the selection made to be an improper one, for it is in human nature to overestimate the merits of those to whom our attention is personally directed, and to undervalue, perhaps, the claims of persons towards whom our observation has been less directed. In a case where there are ten or twenty men to choose from, any one of whom may have been selected, nineteen must be passed over, and the friends of those nineteen will immediately address themselves to some Member of this House to induce him to urge the claims of those officers who have been passed over. Now, if any injustice was done, or any public evil arose formerly from the practice of deciding upon disputed elections by a vote of the whole House, which practice the House thought improper, and had very wisely abolished, then, I say, the inconvenience to the public service, to the discipline and efficiency of the army, arising from such decisions as now proposed must be infinitely more prejudicial. The House would be plunging into one of the greatest evils of a pure democratic State; they would be following the precedents of the days of revolution, when legislative assemblies commanded armies. I hope that now this subject will be allowed to drop. The hon. Member who introduced it has stated his views. My hon. Friend (the Under Secretary for War) has said what it was proper he should say upon this occasion, and I think by pursuing the matter further by inquiring as to whether the claims of individuals have been properly eatimated by the department whose duty it was to decide upon them, which was likewise fully acquainted with the nature of those claims, and the whole circumstances upon which the relative merits of officers were founded, we shall be taking out of the hands of the Commander in Chief that discretion which can only be usefully exercised by him, and the House will, without intending it, inflict a very great injury to the public service.

CAPTAIN SCOBELL said, the only object of the hon. Member who originated the discussion was to obtain an explanation upon a matter which had been very much discussed out of doors. The noble Lord at the Head of the Government said, that nineteen out of twenty would be dissatisfied with the selection of the twentieth candidate for honours, but that proved the necessity for a scrutiny into those appointments; for if nineteen men out of twenty were necessarily passed over it would be an additional and unnecessary mortification for them to find that their claims had been passed over in favour of any but the best qualified of their competitors. He would also suggest that the services for which a good-service pension was awarded should be announced in the *Gazette.* He agreed with the hon. and gallant Member for Wigan (Colonel Lindsay) that Peninsular officers should not be passed over in distributing those pensions, especially when it was recollected that they were all old men, and, if rewarded with a pension, could not, in the course of nature, retain it long.

MAJOR REED said, that the hon. Gentleman the Under Secretary for War had described Lord George Paget as the senior cavalry officer in the Crimea.

MR. FREDERICK PEEL: I said the senior regimental officer.

MAJOR REED said, he found, from the *Army List,* that the services of Lord George Paget only extended to twenty years, while those of Colonel Griffiths was twenty-six, Colonel Shewell twenty-eight, and Major De Salis twenty-five years.

COLONEL NORTH said, that the Under Secretary for War had mentioned Lord Paget as the senior officer, and it did not follow that that noble Lord might not be, as an officer, senior to the gallant officers mentioned, although upon the whole he had been less time in the army.

SIR FRANCIS BARING said, he agreed that it was invidious to institute in that House comparisons between various officers. It had been his fate to have to select officers of the navy to receive good-service pensions, and he found the task a difficult and a delicate one. He thought, from the speech of the hon. Under Secretary for War, that there appeared to be an intention to give good-service pensions solely for services performed in the Crimea. That, he contended, was not the object for which the money to provide those pensions was voted ; it was not voted to reward brilliant services actually being performed, but because, certain commands in the nature of sinecures, and usually given to old and deserving officers, having been abolished, those good-service pensions were to be granted in compensation. The term "good-service pensions" in itself implied that they were to be given to the oldest class of officers. He, therefore, would suggest that, while the rewards of the Bath and of promotion should be bestowed on every active officer whose actions merited them, the good-service pensions should be given only to the most deserving of the older officers.

Mr. W. WILLIAMS said, he must protest against the doctrine of the noble Lord the Prime Minister that the House of Commons had no right to criticise the acts of governing authority in the distribution of public money.

Viscount PALMERSTON said, he had not denied the right ; he only put it as a matter of discretion.

Mr. W. WILLIAMS said the country had no objection to reward meritorious services, but it did desire that the money voted for that purpose should be applied in the best possible manner. He hoped the House would never abandon its right to discuss the application of every portion of the public funds.

Mr. APSLEY PELLATT said, he fully agreed with the right hon. Member for Portsmouth (Sir F. Baring) that good-service pensions should be awarded for good and long service, and he would take that opportunity of adverting to the hard case of sergeants who, on promotion, were called upon to forego their good-conduct pay.

Colonel DUNNE said, he would admit that it was inconvenient to discuss the relative merits of officers in that House, but he must remind the noble Lord that the subject had not been mentioned there until it had been loudly asserted elsewhere that an improper distribution of rewards had been made. He believed Lord George Paget was entitled to his reward, but he thought the right hon. Member for Portsmouth (Sir F. Baring) had correctly stated the intention of Parliament granting those good-service pensions. The hon. Gentleman the Under Secretary for War appeared to think that they were to be conferred only upon senior officers, but in the infantry certainly they had not been granted solely to senior officers, and he deprecated any fixed rule of seniority in their award. He also begged to express his concurrence in the observation of the hon. Member for Southwark (Mr. Pellatt) respecting the hardship imposed upon non-commissioned officers to whom promotion was sometimes a pecuniary loss,—an injustice that ought not to be permitted to endure.

Motion *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

Order for Committee read.

House in Committee of Supply.

(1.) 3,711*l.*, Statute Law.

Mr. WALPOLE said, he wished to explain the circumstances which had led to the publication of some observations by Mr. Bellenden Ker on the expurgatory list of Statutes as an appendix to the Report of the Statute Law Commission, and in referring to a notice of Motion given by the hon. and learned Member for Ayr, (Mr. Craufurd), he would mention that there would be no objection to produce copies of the replies of Mr. Anstey and Mr. Coode, to that document.

Mr. CRAUFURD said, he begged to express his satisfaction at the explanation that had been made by the right hon. Gentleman.

The ATTORNEY GENERAL said, that fault had been found with the Commissioners for not having done more than they had done with the expurgated list prepared by them, but the answer to that was that the papers published by the Commissioners pointed out that it was necessarily an imperfect list and was merely a preliminary work. He was inclined to give those gentlemen the praise to which they were entitled for diligence, zeal, and knowledge, though as yet their labours were not sufficiently matured to form the basis for legislation.

Mr. MASSEY said, it had been stated that the Lord Chancellor had received Reports from Mr. Bellenden Ker upon various Bills brought before Parliament, he begged to ask whether there would be any objection to publish those Reports?

Sir GEORGE GREY replied, that the Lord Chancellor had informed him that Mr. Bellenden Ker, besides the attention which he paid to the business of the Commission, had rendered valuable assistance by furnishing Reports upon various subjects of current legislation. The nature of those Reports was not such as to render their production possible, some of them being verbal and others in the shape of private notes.

Mr. MALINS said, he could confirm the statement of the right hon. Baronet respecting the valuable labours in the Commission of Mr. Bellenden Ker, whose remuneration was by no means greater than he was entitled to.

Mr. NAPIER said, that the great object of Government was the peace and security of society, and the formation of right laws; and not to have an efficient department in existence for carrying out that object satisfactorily to the public was a state of things both anomalous and unjustifiable. He had given notice of a Motion upon the subject of creating such a department, but he did not think that, at that late period of the Session, and with the anxiety that prevailed to carry forward the public business, he should be justified in proceeding with it now. Early in the next Session, however, he should ask the House to affirm a Resolution in favour of establishing a responsible and an efficient department to superintend all our law reforms and the drafting of Bills, and their conduct through Parliament; and he trusted he should receive the support of the House.

Mr. MASSEY said, he trusted that the right hon. and learned Gentleman would fulfil his pledge, as, from the constitution of the Commission, he had little confidence in any useful result accruing from their labours.

Mr. WALPOLE said, the subject of a special Department of Public Justice was now under the consideration of the Commission, and he thought it would have been better for his right hon. and learned Friend (Mr. Napier), being a member of that Commission, to make his suggestion to them instead of to that House.

Vote *agreed to.*

(2.) 3,000,000*l.* Vote of Credit.

The CHANCELLOR of the EXCHEQUER: In the financial statement, Sir, which I had the honour to submit to the House in April last I stated that, in addition to the Estimates then prepared for the various military departments, I should propose an additional credit of 3,000,000*l.* to be applied to the purposes of the war. That sum is included in the Estimates which have been published, and has been accounted for in those Estimates which have been already submitted to the House. It now becomes my duty to ask the Committee to agree to a general Vote of Credit in aid of the military operations of the country.

Mr. W. WILLIAMS said, he understood that the former Vote of Credit had not been expended. He wished to know if that were the fact, and, further, he would observe that the number of men voted for the army had not been enlisted, nor had the 120,000 militia paid for by the country been embodied.

Mr. FREDERICK PEEL replied, that the increased expenditure of hospitals, increase of pay to the army, and pay of the Foreign Legion, would exhaust the sums voted, but he did not think it would be necessary to take any additional Vote for army purposes.

The CHANCELLOR of the EXCHEQUER said, he could not exactly say what amount was drawn upon the Vote of last year, but thought that about 1,500,000*l.* remained unexhausted.

Mr. W. WILLIAMS said, he wanted to know how it was intended to meet an additional expenditure of at least, he apprehended, 5,000,000*l.* by an additional Vote of 3,000,000*l.*?

The CHANCELLOR of the EXCHEQUER could not see the difficulty which the hon. Gentleman seemed to apprehend. The whole expenditure had been most carefully calculated, and was, he believed, most accurately stated. There was a certain amount voted for Army, Navy, and Ordnance purposes, and in addition, he now proposed, to take a general Vote of Credit for 3,000,000*l.*, all of which would be applicable to the service of the war, and upon which it would be competent for the Commissariat Officers abroad to draw. The granting of a Vote of Credit would not increase the expenditure. If additional expenses were not incurred that Vote would not be drawn upon; but it was necessary to enable the Treasury to meet the draughts drawn upon them by the Commissariat Officers.

Vote *agreed to.*

(3.) 2,568,335*l.*, Commissariat Department.

Mr. FREDERICK PEEL said, that, when he proposed the original Commissariat Estimates, he had explained that in former years it had been found sufficient to take a Vote under that head of 600,000*l.*, which sum represented the expense of the Commissariat in the Colonies, but that for the current year a sum of 2,400,000*l.* would be required. Of that amount 600,000*l.* continued, as before, to represent the expense of the Commissariat in the Colonies, another 600,000*l.* was required for the new arrangements for the pay and provisioning of the regular army and the embodied militia at home, and the remainder 1,200,000*l.* was at that time estimated to be necessary to cover the probable demands of the army in the East. The time that had since elapsed had enabled them to form a more correct and accurate notion of the probable requirements of the army; and they now found that, assuming the expenditure for the whole year to be at the rate at which it was for the months of May and June, the actual sum required would be 3,768,335*l.* But as 1,200,000*l.* had already been voted, there remained only 2,568,335*l.* to be voted, and that was the sum which he now proposed that the Committee should grant. It had been observed by some hon. Members that the circumstance of Government having to ask for so large a Supplementary Vote indicated a want of foresight in the arrangements of the Estimates; but it must be remembered that the nature of the services which were to be provided for out of the proposed Vote was necessarily and unavoidably so uncertain as to render it impossible to make anything more than a conjectural Estimate. The Estimate for the army could be accurately ascertained, the number of men being known, and the charge for each man fixed. But it was quite a different thing with regard to the Commissariat, the bulk of which charge depended upon circumstances which were extremely varying. Since the provisional Vote had been prepared to be submitted to the House there had been an additional charge sent in—namely, the provision for the Sardinian army, consisting of between 16,000 and 20,000 men. It was true that would ultimately be repaid by Sardinia; in the meanwhile, however, it was a charge which increased the Estimates. Then, again, England had to ration 20,000 Turkish troops. It should also be borne in mind that the price of provisions was greatly enhanced in that part of the world in which those provisions were to be obtained. The first item in the Supplementary Vote was 1,000*l.* for the pay and contingencies of the Commissariat division of the War Department. That item needed little explanation. Since the original Estimates were prepared, the Supplementary Estimates rendered it necessary to employ two or three additional clerks. Hence the item of 1,000*l.* The next item was to the extent of 761,750*l.* for land and inland water transport, including the supply of water provided by the Commissariat Department. The larger portion of that sum was required to pay for the purchase of animals attached to the army under the land transport corps, commanded by Colonel M'Murdo. When he moved the Army Estimates, he was not fully informed as to the amount of the Vote which would be required for the transport corps, but he had since ascertained that that corps would require nearly the whole sum voted in those Estimates. An additional transport corps of 3,000 men had been since raised, 2,000 of whom were Englishmen, and the remainder were to be natives of Turkey. The 2,000 English had been despatched to the Crimea, but there had been found considerable difficulty in enlisting the remaining portion of the force from the native population. He could not account for it, unless it arose from the report of the disasters that had occurred in the Crimea. But, in consequence of that reluctance on the part of the natives of Turkey, it had been necessary to enlarge the proportion of Englishmen in that corps. The sum already voted for that branch of the service was 238,250*l.* At the rate of expenditure during the months of May and June, it was estimated that the cost of the corps would be 1,000,000*l.*, and 238,250*l.* having been already granted, there remained to be voted 761,750*l.* To show how necessary it was to provide the army with ample means of transport, he might refer to the number of animals now in the Crimea as compared with the number when the transport corps was first formed. Before the month of May there were about 1,500 animals; on the 1st of May there were 2,500 animals; and on the 26th of June there were 7,000 animals. From that time the number had continued very considerably to increase. He believed that at the present time the army was provided with the means of transport, if it should be necessary to take the field, and there was no doubt that their large transport establishments would be furnished with everything that was required. Those horses had been purchased in different countries bordering upon the Mediterranean. There had been purchased and sent from Spain and from Gibraltar about 3,000 animals; there had also been purchased about the same number in the Sardinian States, 500 had been purchased in Sicily, and others in Syria. Colonel M'Murdo undertook the superintendence of the animal force. He was to take charge of the chairs and ambulances for conveying the wounded to the hospitals. A large supply of those necessary articles had already been furnished. There was an item of 15,000*l.* for the freight of specie, including the expense of shipment. That item had reference to the Turkish loan which had been guaranteed by France and England; and that charge was for providing the means of conveying the money to Constantinople. In the original Commissariat Estimate for provisions issued to the army, Ordnance, and Commissariat, at the seat of war, the amount voted was 531,550*l.*, but a further amount was now required to the extent of 823,785*l.* In that sum was included a charge of 274,500*l.* for provisions supplied to the Sardinian army, the cost of which the Commissary General had been instructed to obtain repayment of. They had in addition to provide for the provisioning of the Turkish contingent under General Vivian, and for the provisioning of the Foreign Legion. The sum necessary for the support of the Turkish soldier was 6*d.* a man, but on the Foreign Legion it was necessary to expend 9*d.* a man. After defraying out of the vote of 823,785*l.* the necessary charge for furnishing provisions that were required, the remainder would be found necessary to pay the expences of forming depôts of provisions for their own army in the East. For the depôt at Constantinople 250,000*l.* was required. That Vote was exclusive of stoppages on account of rations from the pay of officers and men. The ordinary ration of a soldier was 1lb. of meat, and 1lb. of biscuit, or 1½lb. of bread a day, for which 3½*d.* a day was deducted from his pay, and then there was 1*d.* also deducted on account of rum, making a deduction of 4½*d.* a day. Complaints had been made of the constant issuing of salt meat and biscuit, instead of fresh meat and bread. He was glad to inform the Committee that arrangements had been made, by means of a bakery being sent out, for issuing to the troops fresh bread three times a week, biscuit being issued four times a week; and, for the future, fresh meat would be issued to the troops four days a week. Then, with regard to forage, the amount already voted for that item was 294,000*l.*; but a further amount of 786,500*l.* was required. That increased charge was owing to the necessity of having very large stores of forage for the great number of animals that were to be supported. The cavalry, the artillery, and the transport corps, had all been largely increased. It had, in consequence, become necessary to send out very large shipments of hay and corn to the Crimea. There were supplies at that moment in the Crimea sufficient to support 20,000 animals for a period of sixty days, and arrangements had been made to keep up a constant supply. With regard to the item of fuel and light, there had been a considerable increase under that head of expenditure. The amount already voted for those purposes was 22,000*l.*; the further amount required was 78,000*l.* A great part of the sufferings of our troops during the last winter was owing to their not having a sufficient supply of fuel issued to them. The proposed Vote was intended to prevent a recurrence of such a disaster by providing an ample supply of fuel for the troops. With regard to the cooking, the services of the well-known M. Soyer had been so efficiently applied that kitchens had been established and instructions given to the troops, by means of which every proper supply in that department was secured to the army. The next item to which he had to call the attention of the Committee was one for the payment of the expences of the railway in the Crimea, and for the wages of labourers, &c. The sum required was 24,000*l.* He was aware that an objection was made to that charge last year; but it could not be denied that the railway corps had rendered the greatest possible service to the army. The time for which the men were engaged had expired, but a sufficient number was retained in the Crimea to keep the railway in a proper working condition. There were two other items in the Supplementary Estimates — namely, a Vote of 54,000*l.* for the payment of the Croatian labourers employed as scavengers, in making roads, &c., and a Vote of 24,000*l.* on account of the Heraclea (or Kosloo) coal mines. He had now given all the explanation which he thought the Committee could require respecting the Supplementary Estimates he had brought forward and the ground on which they rested. But, before he resumed his seat, he would for a moment advert to something which had been stated the other evening, when he happened not to be present, respecting the transference of the Commissariat from the Treasury to the War Department. It was very important that the Committee should keep in view the distinction there was between the financial bearing of the question and its political bearing. It must be obvious that, whatever objection there might be to the duties of the Commissariat being performed under the superintendence of the War Department instead of the Treasury, no advantage could be derived by the War Department from the largeness of the Vote, inasmuch as the Estimates would be the same, and would equally have to pass under the review of the Treasury, whether the money were expended by the immediate authority of the Treasury or by the direction of the War Department. At all events, if it were right to intrust the War Department with the expenditure of 13,000,000*l.* sterling, the Committee could hardly object to intrusting it with the expenditure of this smaller sum having relation only to the Commissariat. The bulk of the expenditure would take place at the seat of war, under the responsibility of the chief of the Commissariat. The money would be disbursed either by purchases made on the spot or by contracts, and all that the public could require was to be assured that that expenditure was properly made, and that those contracts were fairly entered into. It would of course be the duty of the Commissariat authorities to see that the contracts were faithfully fulfilled and that the public were secured against any possibility of loss. But, with regard to those large disbursements of money, whether directly by purchase or under contract, no doubt the proper course to be taken was, that the accounts should be duly audited. Persons from the Audit Board would therefore be sent out to Constantinople to examine the accounts and to arrange them under their proper heads. That proceeding would apply, not to the Commissariat Department only, but to the Navy, the Ordnance, and the War Office. A person would be sent from England to assist the Commissary General to examine all vouchers and to transmit the accounts home, and the moment they were received they would be sent to the Audit Office for examination. That, indeed, was the system already acted upon, and he therefore considered that there was no expenditure made by the country over which so strict control was kept as was exercised over the expenditure of the Commissariat service. The accounts of all other departments were audited by their own members; but with regard to the Commissariat there was an independent authority outside, examining and controlling every shilling of expense. There was one branch of the Commissariat duties which was essentially of a financial character, and which, therefore, was very properly appropriated to the Treasury, he meant the replenishing of the Commissariat chest. It was from that chest that all the supplies were drawn, and it was for the Commissary General to see that there were ample funds to meet the demands for the public service. It was his duty either to draw bills, or write home in order that a remittance of specie might be made. No doubt it was at times a very difficult question to determine, having regard to the state of the money market, whether he should take the one course or the other. But that was not a question of the expenditure of money; it was one simply as to supplying means for defraying any such expenditure. Whatever were the Bills drawn abroad, they must be paid out of the Commissariat chest; therefore, the Commissariat chest was most properly placed under the control of the Treasury, and not under that of the War Department. Under those circumstances he thought there was no ground of apprehension as to a want of proper control over the Commissariat Department.

Mr. HENLEY said, the statement which had just been made by the hon. Gentleman was one which was not often equalled in interest, if, indeed, in importance, by any statement made in that House. He would not dwell upon the check that was said would be exercised over the Commissariat accounts, because he did not think much could be made out of that; nor did he understand from the conversation which passed the other night that any great objection had been urged against the War Department having the management of the Commissariat. But what was most to be wondered at, in his opinion, was, that the Government should never have looked sufficiently far before them as to thoroughly understand the full extent of the matters they would have to deal with. They must have known in February all that they knew now; and yet in the month of August they were asking for double the amount they asked the House to grant in February. The long explanation of the hon. Gentleman the Under Secretary for war did not in the slightest degree alter the facts. All that, in his opinion, showed a great want of foresight, and of a full comprehension of what would be the amount of supplies necessary for carrying on the war. There was one item, no doubt, which might not have been foreseen,—namely, the supply necessary to meet the Sardinian contingency. But, putting that aside, there remained 2,000,000*l.*, of money to meet demands which it seemed to him might have been easily foreseen in February last. One great item of expense was, that we had formed a depôt for provisions. But was it in the month of August only, or in the month of May, or of June, that it was necessary he should have a depôt? What the hon. Gentleman had stated respecting the formation of a depôt was about as painful a statement as he had ever heard. It showed in what a strange way the army must have been conducted; when it must have been clear to the whole country that the moment the army landed in the Crimea it was absolutely necessary to have a depôt. Every military man, nay, every person who had read history, knew that the first thing done when an army invaded an enemy's country was to form a depôt. The hon. Gentleman's speech was the most extraordinary exposure of the ignorance of the Government that it had ever been his misfortune to hear. Talk of the Sebastopol Committee giving an answer to the question, why was it that our army suffered?—why, the statement of the hon. Gentleman was a much more conclusive answer than the whole Report of that Committee. [Mr. F. PEEL said that the depôts were for provisions in reserve.] He could understand having food in depôts in reserve, but ought there not to have been depôts for the ordinary supplies, so that in cases of emergency the army might have had something to fall back upon? In December last the Foreign Enlistment Bill was passed, and he thought it should have been ascertained by the month of February that foreigners would eat as well as Englishmen, and that it would be necessary to make provision for them.

MR. FREDERICK PEEL said, that there was no certainty at the time referred to, that in the course of the financial year the Foreign Legion would be engaged in a state of war.

MR. HENLEY: But you hoped to raise some, and the charge for them might as well have been foreseen in the month of February as now. It was strange to say that Government should have to ascertain the amount of two months' actual expenditure, before they could state what the expenditure would be during the future months of the year. That was to him an additional proof of how unfortunate they had been in the conduct of affairs. Then there were no less than 761,750*l.* to be expended on land and inland water transport. Might not that have been foreseen in February? Did not the Press teem day after day with statements, that all the animals in the Crimea were either dying or dead? It must have been perfectly well known in February that a large supply of animals would be wanted, unless, indeed, it was intended to leave the army without the means of transport altogether. He really could not help thinking that a great part of the expense now to be incurred might have been prevented had due foresight and skill been exercised in the matter. The Government had based those estimates on what? They had been obliged, in order to get at the expenditure, to have recourse to the expenditure of May and June. It did seem somewhat strange to him that, with an army in the field, its estimated numbers known, and with the vast establishments of England, the Government should have been driven to have recourse to such an expedient before they could place themselves in a position to tell the House what the expenditure would be in the future months of the year. That was, to him, another convincing proof of the unfortunate way in which affairs had been conducted, and that if they had been placed in abler hands they would not at that the eleventh hour have been called upon for that which he was not prepared to deny was necessary. With regard to the amount of supplies and rations, all respecting them was or ought to have been as well known in February as now, at the same time he thought that the Under Secretary for War had stated grounds enough to show that what was now asked for was necessary for the army. With regard to the transport animals, one statement had struck him as rather extraordinary. The Under Secretary for War said that his calculation was based on the numbers of the two months of May and June, and then he stated that 1,500 were handed over in April, and showed the ratio in which they had afterwards increased. What he (Mr. Henley) wanted to know was, if that calculation had been made on that of the expenditure for two months, would six times as much be required for twelve months? [Mr. F. PEEL intimated assent.] As that was the case, no doubt they contemplated that a great mortality would take place among those animals; but it was to be hoped that ordinary care would be taken of them, and that they would not suffer as they had last year from want of forage and shelter. He was glad to see that steps had been taken to keep up the number of those animals, and he trusted that the supplies for the army would not again fail from the want of means of transport.

MR. W. WILLIAMS said, he agreed with almost everything which had been said by the right hon. Gentleman who had just spoken. He expected something extra, but was not prepared for the great increase shown in the present Estimates. He was most desirous that the soldier should be properly paid, but he thought it was most extraordinary that the Secretary for War should have determined to increase the soldiers' pay 6*d*. per day without asking the consent of the House of Commons to such arrangement. The only item in the supplementary Estimates to which he objected was the sum set down for the conveyance of specie to Turkey. He thought they had done quite sufficient in advancing the loan, and ought not to be called on to pay its freightage to Constantinople.

MR. FRANCIS BARING said, he begged to explain, with reference to some statements which had been made, that he (Sir F. Baring) did on a former occasion object to the transfer of the Commissariat expenditure from the Treasury to the War Department; on the contrary, he approved it, but what he did object to was the Minute making that transfer—as he thought that it had not been sufficiently considered or matured. The Under Secretary for War appeared to think that now everything with regard to the war expenditure would go on smoothly—but if it did, things must be greatly altered from what they were when he (Sir F. Baring) held office in the Treasury. Then he was sorry to say there was such an accumulation of both war and Commissariat accounts that auditing them was out of the question; so by a kind of compromise they were got rid of. He would suggest to the hon. Under Secretary for War that he should make inquiries with regard to the transfer and settlement of the Commissariat accounts, with the view of preventing their accumulation, and the difficulties which would otherwise arise. The Under Secretary for War appeared to think that that had already been done, and he (Sir F. Baring) should be happy to find that such was the case. Judging, however, from the Estimates on the table, he had no great confidence that it had been done; for, if they had the monthly accounts of the expenditure which was going forward he could not understand why the present enormous Supplementary Estimates should be necessary. He was afraid the Under Secretary for War would find that it would have been better to look more carefully into the matter, and that he had been a little too sanguine and had not sufficiently considered the difficulties connected with the subject.

MR. WILSON said, that there could be no doubt that the mode of conducting business had been greatly altered since the right hon. Baronet was at the Treasury. There was at that time a large Colonial expenditure by the Imperial Government, which was checked exclusively by the Commissariat officers, but that system had been entirely changed, and the expenditure in the Colonies had been reduced to a very small sum. The Treasury was unable to control all descriptions of expenditure, for the heads of the Admiralty and other departments were responsible to the House for the expenditure of money, and the only check upon the expenditure of the Commissariat Department abroad was the Board of Audit. The control of the purely financial department of the Commissariat chest rested entirely with the Treasury. He could not agree with the right hon. Baronet that any plan had been suggested which was preferable to that laid down in the Treasury Minute with respect to the transfer of the Commissariat from the Treasury to the War Department.

COLONEL NORTH said, he wished to know what arrangements had been made with respect to the supply of coffee to the troops abroad? He observed that before the Sebastopol Committee the blame for supplying the troops with raw whole coffee was cast by Sir Charles Trevelyan upon the Quarter-master General in the Crimea, an officer who he (Colonel North) believed had done everything in his power to contribute to the wellbeing of the army. Sir Charles Trevelyan, when asked whether applications for roasted coffee were not made before the army left Varna, said, he did not recollect any complaints being made, and added that all pains were taken at home to ascertain whether it would be better to send out coffee roasted or unroasted. Now, from papers which had been laid upon the table it appeared, that two months after, the authorities of the Treasury would not even take the trouble of sending to London Bridge, where the operations of roasting, grinding, and packing of coffee could be seen in the establishment of Messrs. Collier. Upon the 18th of July, Sir Charles Trevelyan wrote to Mr. Filder to ask what was best to be sent out. Mr. Filder took until the 13th of October to consider, and on that day he wrote to say he could not make up his mind whether it would be better to have roasted or unroasted coffee, and that he was anxious to consult some officers of experience upon the subject. Upon receiving that letter Sir Charles Trevelyan, on the 30th of October, wrote back, saying to Mr. Filder, "You have removed our doubts about the form in which coffee should be sent to the army, and when we have occasion to send out any more we will send it roasted, but not ground." Now, he could not see how the doubts of the Treasury could have been removed by Mr. Filder's letter. In his evidence before the Sebastopol Committee, Sir Charles Trevelyan said, raw coffee was sent because unroasted coffee was served out in the navy, comparing the position of the army in the field with that of sailors on board ship, with fire and every means of roasting the berry. Another reason given was, because raw coffee was issued to the French army; but it was forgotten that that army had a complete establishment for roasting coffee upon the borders of their camp. Sir Charles Trevelyan also said, throughout the Kafir war the troops were supplied with unroasted coffee. He (Colonel North) had spoken to Sir Harry Smith upon the subject, and that gallant officer had told him that he had hundreds of pounds of coffee scattered on the ground, although the troops had means of roasting it, but found it too troublesome to pound. Sir Charles Trevelyan added that, when it was found that there was a difficulty of roasting coffee in the Crimea, orders were given by the Treasury to send it out in a roasted state. It would be recollected that Messrs. Collier on the 15th of December wrote to Sir Charles Trevelyan upon the subject, and received on the 22nd of December anything but a courteous reply from Sir Charles Trevelyan, who concluded by saying, "My Lords are not aware that any additional assistance is required." No one could imagine from that reply that the first order for roasting coffee at the Clarence Yard was given on the 15th of December, and only on the 13th of January, 1855, was an order given to grind 20,000lb. as an experiment, and upon the 22nd of March an order was given that no more ground coffee should be sent out. With respect to the size of packages, Mr. Filder had expressed a desire that they should not exceed 60lb. weight; and if the Treasury had chosen to avail themselves of the information and assistance offered by Messrs. Collier, they would have ascertained how those gentlemen packed their coffee in packages of 25lb. weight, and which bore a voyage to Australia without loss of flavour. He (Colonel North) had had a notice upon the paper for a long time of a Motion for a copy of the correspondence which had taken place between Sir Charles Trevelyan or the Treasury, and any parties here, for the purpose of ascertaining the best form in which coffee should be sent to the East. The hon. Gentleman the Secretary for the Treasury had stopped him the other evening, and suggested that he should put his Motion in the shape of a question, as, in fact, there was no correspondence to produce,—when a Gentleman undertook to cast blame upon the Quarter-master General and upon Admiral Boxer, he ought to be perfect, at least in his own office. Several Members of the House had already noticed the improper mode in which the correspondence of the Treasury was carried on, and now Sir Charles Trevelyan declared he had taken every means in his power to procure information, but could produce no correspondence to show it.

Mr. FREDERICK PEEL said, whenever coffee was now issued to the soldiers, it was in a ground state. Tea and coffee were issued on alternate days to the troops.

Mr. WILSON said, he must complain of the mode in which the subject had been brought before the House by the hon. and gallant Member who had last addressed them. It was true that the hon. and gallant Gentleman had had a notice on the paper for a very long time, and he (Mr. Wilson) had come down every night to meet it, but whenever it was called—which necessarily occurred late at night—the hon. and gallant Gentleman was not in his place to move it. [Colonel North said, he did not believe there had been a night when he was absent.] The hon. and gallant Gentleman at least did not bring on his Motion, and therefore, for the convenience of the hon. Gentleman, he (Mr. Wilson) suggested that he should put a question on the subject, as the Return, if ordered, would be *nil.* Sir Charles Trevelyan had told him there was no correspondence, but that he had had personal communications with officers of the navy, who had served in the Kafir war, and it was upon information derived from those personal communications that it was determined at first to send out unroasted coffee. When the green coffee was sent out no one knew whither the army was going. The first roasted coffee was sent out in July, and, as soon as it was known that the army was likely to winter in the Crimea, an intimation arrived in October, which stated that roasted coffee would be preferable, and from that time no green coffee was sent. Early in November a large order was issued from the Commissariat Department of the Treasury to the Admiralty to send out a regular supply of roasted coffee. A quantity of ground coffee was sent out as an experiment, and thus, when Messrs. Collier tendered their assistance in December, the Commissariat Department had already come to the determination to send out no more green coffee.

Colonel NORTH said, Sir Charles Trevelyan declared he had taken all means to ascertain the best mode of sending out coffee. It appeared from a return that coffee was sent on the 7th of November roasted, but not ground. Why had not the Treasury made inquiries of Messrs. Collier?

Mr. WILSON said, he could not see why Sir Charles Trevelyan should apply to Messrs. Collier. Those Gentlemen only tendered their assistence on the 15th of December, while early in November the Treasury had issued an order for only roasted coffee to be sent out.

Colonel NORTH said, he thought it was the duty of the Government to make inquiries of every person who was competent to give them information.

Colonel DUNNE said, he considered that Parliament ought not to separate until satisfactory assurances were given by the Government that the war should be prosecuted with energy, and that our army would be properly supplied with those necessaries upon which military success depended. Last year the Ministry made liberal promises on that head, and yet very little had been done to realise them even up to the present moment. Now that it was almost certain our army would have again to winter in the Crimea, they should be adequately provided in time with land transport, provisions, huts, and tents, ammunition, and cannon, to replace the guns already worn out. The hon. Gentleman (Mr. F. Peel) said there were 7,000 baggage animals attached to Colonel M'Murdo's corps; but our army had, nevertheless, been kept stationary from the want of the means of transport, and now that August had arrived there was little time left for movements in the field. During the present season 1,000,000*l.* sterling was the estimated expense of those baggage animals, or at the rate of 143*l.* per head. Moreover, allowing for the casualties that must be expected, 7,000 would be a very insufficient number. Again, we had only two months' forage now at Balaklava, while the French, according to private letters from the East, had a twelvemonth's supply at Kamiesch. Why, he wished to know, was our Government not as prudent as our ally? As to provisioning the army, the period of the year was rather late for forming depôts for the immense body of troops now in the Crimea. The hon. Gentleman the Under Secretary for War had expressed surprise that the Turks would not enlist in the Contingent now being formed under English officers; but our Government had been timely forewarned that Mahomedans would not serve under Giaours.

Mr. FREDERICK PEEL said, that no enlistment by us was necessary in the case. The Contingent was to be furnished by the Turkish Government.

Colonel DUNNE said, that Colonel Beatson, a British officer, who had been lately in command of a corps of Bashibazouks, was reported in the papers of that day to have been murdered by his own men. That was the result of endeavouring to enrol irregular forces, by which also the money of the country was wasted. According to a convention with England, the Turkish Government had separated a portion of its army, and placed it under General Vivian. That corps must prove inefficient under English officers; and it would be much better that the men should be sent to Kars under the control of their own Government. While we were lavishing enormous sums in paying Turkish troops and in levying a Foreign Legion, the services of which would yield no corresponding advantage, our own cavalry was neglected and left inefficient from the want of dismounted men. Private intelligence showed that the vegetables were not served out to our own army with the regularity which the hon. Gentleman (Mr. F. Peel) described; while the mode of distributing the other rations to commissioned officers, who had nothing but their pay to depend upon, was very unsatisfactory. Injustice was also inflicted on men who were brought from India to the Crimea, and placed as supernumeraries in corps where they were deprived of the rights to which they were entitled. Those were matters to which the attention of every military man in the country was now turned, and, unfortunately, the speech of the hon. Gentleman (Mr. F. Peel) would not allay the alarm felt with regard to them. No proper precaution had yet been taken for hutting and encamping our army during the ensuing winter, and the tents previously sent out were completely decayed. Information ought to be afforded as to our communications, the defective state of which produced great misfortunes in our army last year. A flood lately occurred in the Crimea, which he understood had much injured the railway there. Had the damage thus occasioned been since repaired, and were the other roads in good condition? If they were not, there were enough men and labourers out there to make them so. The amount of actual preparation made did not warrant the confidence with which the hon. Gentleman (Mr. F. Peel) had spoken; but, as the House of Commons had done its duty in voting liberal supplies, it was to be hoped that that negligence in every department of the Government which had led to such disasters would be studiously avoided in future.

Mr. PERCY said, he felt himself called upon to condemn the regulations of the hospital at Scutari, which had caused the loss of many gallant lives. Among other regulations every soldier was bound to find his own knife and fork when he went into hospital, but at Scutari 500 men were without those articles. That, and other arrangements with regard to fuel, ought to be abolished.

Lord WILLIAM GRAHAM said, that with reference to the item of 15,000*l.* for freight of specie and expenses of its shipment, he wished to ask whether the charge should not be deducted from the loan to be advanced to Sardinia?

Mr. BRAMLEY-MOORE said, he would suggest that the cost of freight in all such cases should be taken from the amount of specie shipped.

Colonel Dunne

Sir WILLIAM JOLLIFFE said, he could not understand the manner in which the various items of the Vote were lumped together. The Secretary for the Treasury described it as a Commissariat Vote for purely army purposes; but, surely, the expense of conveying specie to Turkey or to Sardinia did not come under that category. With regard to forage for our army, a two months' supply would be very insufficient.

Mr. FREDERICK PEEL said, he must beg to explain that that was only the amount of provender in the Crimea for immediate issue. There were also large stores at Constantinople and other places.

Sir WILLIAM JOLLIFFE said, that in the general orders issued to the army while at Varna, the officers were urged to provide themselves with baggage animals; and when the troops quitted that place the Commissariat animals were left behind, and afterwards died in large numbers from sheer neglect. A similar casualty would occur again if we did not provide a larger quantity of provender.

Mr. STAFFORD said, he must complain that they had to discuss a very important Vote without having on the table copies of the Order in Council appointing a fourth Secretary of State, and separating the Colonial from the War Department. No answer had been given by the Government to the important questions that had been put to them from both sides of the House, and the remarks of the hon. Member for Lambeth (Mr. W. Williams) as to the increased pay of the troops had been left unnoticed. The Secretary for the Treasury had contradicted the right hon. Member for Portsmouth (Sir F. Baring), but the official papers bore out the right hon. Baronet's statement. The Committee ought to know what arrangement the Government proposed with respect to the Commissariat officers who felt themselves aggrieved; and it should also be told who was the actual head of that department. Those and other matters had been left without explanation, and he must protest against that mode of dealing with so important a subject.

Vote *agreed to*; House resumed.

ORDNANCE IMPROVEMENTS—QUESTION.

Mr. ROEBUCK said, he wished to put a question to the hon. Gentleman the Clerk of the Ordnance with respect to a projectile which had been invented some nine months ago, and which the hon. Gentleman said had been under consideration the whole of that time. He wished to know why so long a time had been allowed to elapse without any answer being given to the inventor. The questions he had to put in accordance with the notice he had placed upon the paper were—Is it true that some experiments were tried at Shoeburyness last week, under the superintendence of the Colonel in command of the Royal Artillery, with the following important results: That with only about half charges of powder, and from a common gun, with a trifling alteration, the experimental shells acquired, at similar elevations, upwards of 1,000 yards more effective range than the solid shot of the service with a full charge, and that the average deflection of the experimental shell fired was only fourteen yards in this increased distance, while that of the service shot, at the smaller range, was forty-seven yards? Further, is it true that this invention has been nine months before the Government; that at first it was reported to be of no importance; that, on its being pressed upon the notice of the Duke of Newcastle, it was referred to the Select Committee at Woolwich in January last, and experimentally proved successful in March; and that no assistance has been afforded to the inventor for maturing his invention, beyond merely authorising a few experiments to be made at his expense? Further, is there any obstacle to the adoption and use of this great improvement in the effectiveness of our artillery? Considering that our army had now been before Sebastopol almost a year, the above were important questions, to which he hoped a satisfactory answer would be given.

MR. FRENCH said, that perhaps the hon. Gentleman could at the same time give some information in regard to the Report of the Commission appointed by Lord Raglan to inquire into the merits of Captain Disney's projectile?

MR. MONSELL, in reply, said, that the result of the experiments made during the last week at Shoeburyness was generally in accordance with the statement contained in the hon. and learned Gentleman's questions, except in regard to the shells being fired from a common gun with a trifling alteration, they having in fact been fired from a rifle gun, while the service shot was fired from a smooth-bored gun. It was true that the invention had been nine months under the consideration of the Government. It was first referred to General Cator, the Director General of Artillery, who, from the repeated failure of the shells fired, did not think it worth while to continue the experiments. However, subsequently, in the month of March, it was brought before the Duke of Newcastle, who directed public experiments to be made, the result of which was to show that the projectile in question was inferior to the service shot. In May there was another experiment, and with similar results. The projectile experimented upon the other day, of Mr. Brashley Brittens, which was somewhat different from his former one, and which was in some respects an improvement upon it, was more successful. With regard to the last question, the invention had been referred to the Committee at Woolwich, and if it was considered worthy of adoption, would be recommended to the General Commanding in Chief. In reply to the question of the hon. Member for Roscommon (Mr. French) he had to observe that Captain Disney had wainted upon him (Mr. Monsell) about a fortnight ago, to inquire if any report had been received from the Commission appointed by Lord Raglan to inquire into the merits of his invention, and he told him that no such report had arrived.

MR. ROEBUCK said, the hon. Gentleman had not answered his question, whether it was true that the experimental shells acquired, at similar elevations, upwards of 1,000 yards more effective range than the solid shot of the service with a full charge, and that the average deflection of the experimental shell was only fourteen yards in that increased distance, while that of the service shot at the smaller range was forty-seven yards?

MR. MONSELL said, he had informed the hon. and learned Member in the first words he spoke that the statement contained in his question was perfectly accurate, except in regard to the guns from which the projectiles were fired.

SALT DUTIES IN INDIA—QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the right hon. Gentleman the President of the Board of Control a question with regard to the mode of collecting the salt duty in India. He wished to know whether any Report had yet been received from the Commissioners appointed to inquire into the mode of collecting those duties. He would remind the right hon. Gentleman and the House that two years ago, when the Indian Government Bill was under consideration, a clause was added to the Bill making an important change in the mode of collecting the salt tax, with a view to relieve the people of India from the evils to which they were subjected in reference to the supply of salt. That clause was, however, expunged by the Lords; but in consequence of the opinion expressed by the House of Commons, a Commission was appointed in India to inquire into the subject and to report to the Home Government. Two years had passed since that time, and whenever the subject had been alluded to, the reply had always been that no Report from that Commission had been received. He might add, that some suspicion existed that unnecessary delay had arisen, and that there was no great desire on the part of the authorities in India to forward the Report. He wished to put two questions to the right hon. Gentleman —first, whether any Report from the Commission in question had been received; and, second, whether, considering the lapse of time that had occurred since the Commission was appointed, the right hon. Gentleman would give a promise that when Parliament re-assembled, that report should be presented, or that the Government would state what course they intended to pursue upon the subject?

Mr. VERNON SMITH replied, that the Report of the Commission alluded to by the right hon. Baronet had not yet been received. With regard to the suspicion which the right hon. Baronet said existed as to the cause of the delay, he presumed that it was not directed against the office over which he (Mr. V. Smith) had the honour to preside, or against the Court of Directors. [Sir J. Pakington: No, no!] All they could do was to issue the order appointing the Commission, and to direct that the Report should be made and forwarded as soon as possible. When he entered upon the office of President of the Board of Control, he wrote to Lord Dalhousie to say that he thought the Report ought to have been sent before that time, and that he believed those who took an interest in the subject were anxiously expecting it. By the last mail he received a private letter from that noble Lord, expressing his regret at the delay which had occurred, and informing him that the Commission were then actively employed in preparing their Report, and he hoped soon to be able to forward it. He did not know that it had arrived by the mail which had just come in, but he feared it had not. With regard to his making any promise for the next Session, he did not see how it was possible for him to do so. If the right hon. Baronet meant to ask whether he intended to legislate in the absence of the Report, he certainly could not undertake to make any such proposition, for although the House of Commons had agreed to the clause to which the right hon. Baronet had referred, the House of Lords had thrown it out, and it was not likely, therefore, that such a clause, if proposed, would be likely to pass, no Report having been received. He was as anxious to obtain the Report as was the right hon. Baronet, but he thought that the right hon. Baronet would scarcely wish to proceed in the way of legislation without the Report, seeing that the delay could not exceed a few months.

THE FOREIGN LEGION—QUESTION.

Mr. MILNER GIBSON: Sir, I wish to put a question to the Prime Minister regarding the mode resorted to by the British Government for raising a Foreign Legion, and to ask whether any communication has been received by him from any Foreign Power with reference to that subject? I have seen a letter from Bremen, complaining very much that vessels of war have been placed in the Weser and Elbe, and that they have been made the receptacles for persons who were induced to enlist in the English service. I wish to ask, therefore, whether the Government has received any communication from the Hanse Towns upon that subject; and I beg to express my opinion that, whether it be right or wrong to have a Foreign Legion, we ought not to raise it in any manner which is inconsistent with the municipal laws of other countries, but that we should respect the laws of other nations. There was an article in *The Times* newspaper that morning, having reference to the United States; and, so far as I can collect, it appears that there has been an endeavour to raise men there for the British Foreign Legion, which is contrary to the law of the United States. I believe that the Government of the United States publicly proclaimed that they would not take part with either of the belligerents in this war, permitting neither the fitting up of Russian privateers nor the recruiting of men for the British army. I do not know what the facts of the case are, having only seen that allusion in *The Times*, but I beg to ask whether the noble Lord can give the House any information upon, what I must call, this very important subject? I will only add, that I cannot, for the life of me, see if this war is so popular in England, and all the people are dying to come forward to fight the battles of their country, what reason there can be for having recourse to improper practices in order to raise a Foreign Legion.

Viscount PALMERSTON: It is well known, Sir, that Her Majesty's Government have established a depôt at Heligoland, where they are ready to enlist any persons who come from Germany; and, whatever laws there may be in some States against enlistment within the territory of those States, there is no law in any of them to prevent the free movement of persons who may choose to quit the territory for any purpose whatsoever. With regard to the question which arose in the United States, I beg to inform the right hon. Gentleman that a similar arrangement was made at Halifax, by which any persons going there from whatever quarter might be enrolled; but it appearing that that had led to questions within the territory of the United States, as to whether or not the law of that country had been violated, Her Majesty's Government, being desirous that no such questions should by possibility arise, has put an end to the enlistment of forces which used to take place at Halifax.

Mr. MILNER GIBSON: I think, Sir, that the noble Lord has a little misunderstood my question. I asked him whether British men-of-war had been stationed in the Weser and the Elbe for the purpose of being the receptacle for men enlisting in Hamburg or Bremen, and carrying those men away—because that is the point.

Viscount PALMERSTON: That is no violation whatever of the law of any country. I believe that there are vessels stationed there which receive on board any persons who choose to take a passage to Heligoland.

SUPPLY—MISCELLANEOUS ESTIMATES.

Order for Committee read,

House in Committee of Supply.

(4.) 109,200*l.* Disembodied Militia.

Mr. W. WILLIAMS said, he objected to the amount of the Vote.

Mr. FREDERICK PEEL said, there were nineteen regiments of militia still disembodied; but who were liable to be called on to serve a certain number of days in the year, and who therefore required a provision for their payment.

Vote *agreed to.*

(5.) Motion made, and Question proposed—

> "That a sum not exceeding 70,716*l.*, be granted to Her Majesty, to defray the Expense of the Ordnance Office, which will come in course of payment during the year ending the 31st day of March, 1856."

Mr. MONSELL said, it would perhaps be in the recollection of the Committee that when he brought forward the Ordnance Estimates in March last, he postponed the Vote for the Ordnance establishment, it being the intention of the Government to make certain alterations in the constitution of the whole of the War Department. The Estimate he now had to propose was for the establishment of the Ordnance Office as changed according to the intentions then expressed. He thought that the present was a convenient time to state the changes which had been made in the organisation of the military departments of the country. In the first place he imagined that it would not be necessary for him to dwell on the necessity of some change, for that was universally admitted. Two Commissions and one Committee of that House had reported within the last two years, expressing opinions in favour of large and important changes, and only last Session many distinguished Members on both sides of the House had expressed the same opinion, and he was happy to think it was no party question, for one of those Gentlemen was the right hon. Member for Droitwich (Sir J. Pakington), who in July last expressed an opinion with regard to the existing constitution of the War Department, and the absolute necessity for some change being made. At the commencement of the present war the administration of the army was divided into five separate departments. The discipline and government of the army were divided between the Commander in Chief and the Master General of the Ordnance, while the Secretary at War had large and important duties to perform, as had also the Master General and the Board of Ordnance, and the Commissariat fed the army; but all the departments were disconnected, and there was no union among them or central control over them. The results of every system of organisation which must follow divided authority had been felt in those departments, for it was obvious that even without difference of opinion of principle there must be difference of energy in the various departments which was sufficient to frustrate all unity of action. Suppose that an army was fully equipped in every other respect, and that there was a failure in the supply of boots; or that a field train was complete in every other respect except that there were no fuses, all the rest of the equipment would go for nothing. If anything was clear it was that in military government the value of central organisation could hardly be over-estimated. In addition to the division which existed between the different departments and the military officers who managed them, some of the departments themselves were not so constituted as to promote energy and unity of action in the discharge of their duties. The Board of Ordnance, for instance, was divided into three departments, with an officer of the Board in charge of each separate department; but yet as every order was given in the name of the Board, every member of it was responsible for all the departments; and if anything went wrong in any one of them, the colleagues of the officer at the head of that department must either be responsible for what they did not approve, or interfere with that which, according to the practice of the office, they had no right to do. It was obvious that the first object in the reorganisation of such a system was the establishment of a central control, that one mind should preside over all the departments, with full power to order the execution of their duties rapidly and promptly. It was also obvious that the military departments had failed under the old system, owing to the want of real responsibility in those who managed them. It was almost impossible, till within the last few months, to discover who was responsible for anything. Whether it was a question of fuses or of boots, or anything else, and the question arose as to who was responsible, the difficulty was the same. Again, there was a considerable loss of time by the system of intercommunication between the different departments by regular official letters, and it was found necessary to make a change in that respect. The first change which was made in the military system was the separation of the Secretaryship of War from that of the Colonies. After that the Commissariat was transferred from the Treasury to the War Department, and when his noble Friend (Lord Panmure) came into office, he proceeded to develop and carry further the changes which the Government had for many months under consideration. The first point to be considered was the division of the command of the scientific corps from that of the rest of the army; and the first step was to place the Artillery and Engineers under the management of the Horse Guards. By that means, not only was unity in the government of the army secured, but it opened to those distinguished corps advantages from which they had hitherto been shut out, but which were open to those corps in every other country in Europe. He did not know whether the Committee was aware that notwithstanding the distinguished merits of those corps, General Philips, in 1777, was the last Artillery officer who had held the command of a division. It would be recollected how many distinguished commanders in the French army had been officers of Artillery—not to mention the great Napoleon himself, Marmont, Foy, Bosquet, and others, all belonging to that corps. In the Sardinian and Austrian armies the same course was pursued, and he could see no reason for, or any benefit in, those corps remaining in the state of isolation in which they had hitherto stood, and why they should not be allowed to compete for the highest appointments which were open to the most eminent officers. But the change by which those corps were placed under the Commander in Chief, and adding to his duties those of Master General of the Ordnance, involved certain other changes. Till the present time the Commander in Chief had no official knowledge of the defences of the country. By the new organisation, the Secretary of State for War and the Commander in Chief, in conjunction with the Inspector General of Fortifications and the Director General of Artillery, would decide on all questions of fortifications. Hitherto the Commander in Chief had only been responsible for the small arm of the army, now he would be responsible for all the arms of the service, and no alteration could be made in them without his consent and permission. He now came to the civil departments of the army. The head of those departments was the Secretary for War, who had authority and jurisdiction, and direct control over all the departments communicating with them not by official letters, but by means of memoranda or personal interviews with those under him. The heads of each office would have under their control all the subordinates of their departments, and could make returns to the Secretary for War with regard to the progress of the orders he had given. Now, that was a matter of greater importance than it appeared at first sight to be, for it was found last year that the number of instances in which orders which had been given had not been executed was very great indeed, and it was most important to guard against such a state of things in future. He now came to the subordinate departments under the control and management of the Secretary of State. He begged to remark that an objection he had heard made with reference to the arrangement of subordinate departments was founded on a gross fallacy. It was said that civilians were placed in positions where military duties were to be discharged, but that was by no means the case. In all the subordinate military departments military men were placed. The mere fact of the director general of contracts or stores sitting in a military department did not make it necessary that he should be a military man. Every department which had military duties to perform was under a military man, and every civil department under a civilian. In the first place, the department to which was entrusted all military works and buildings was placed under the Inspector General of Fortifications, under whom were two deputy inspectors, one of whom was charged with the department of fortifications, and the other with the erection and custody of barracks. That was an important change from the old system. The barrack-masters used to be under the control of the Board of Ordnance, but they would now be under the Inspector General of Fortifications, and there had been added to his other duties that of Barrack-master General, including of course the management of the barrack-masters and the whole control of that department. The next change was in the direction of the *materiel* of the Royal Artillery, which had been placed under the Director General of Artillery. Therefore, as the Ordnance supplied not only the land forces but the navy with arms, the naval department would be under a Naval Director General of Artillery, whose duties, as regarded the navy, would be the same as those performed towards the army by the Director General of the Royal Artillery. Both those officers would be members of the Scientific Committee, and the Director General of the Royal Artillery would be vice-president of the committee, and with the assistance of the able and scientific men on that committee he would decide on all questions in connection with naval and military artillery. The next department was that of Director General of Contracts, who would have the control of all the contracts connected with the military departments and the conduct of them, under the orders of the Secretary of State, for all purposes. The next department was that of the clothing of the army, which would be under the control of a Director General of Clothing. To him would be entrusted the providing the custody, and the issue of the clothing of the army, and the sealed patterns—all requisitions would be made to him; he would have the inspection and the custody of the clothing, and all complaints relative to the clothing were to be made to him; and he would do all that had hitherto been done by the colonels of regiments, the Board of General Officers, the Adjutant General, and the Secretary at War. The Store Department, which was entrusted with the custody of all other stores except clothing, would be under a Director General of Stores, and the accounts of the whole army would be under the control of an Accountant General. The head of each department would be held responsible for the perfect efficiency of every branch of his administration, and for the conduct of all business relating thereto. There had therefore been entrusted to him the important function of recommending for promotion all clerks, storekeepers, and other officers under him. The recommendations made by him must of course be accompanied by a statement of the reasons upon which they were founded, but it was the intention of his noble Friend the Secretary of State to follow the advice given to him by those gentlemen, where he considered it satisfactory upon this important point. In ordinary matters the heads of departments would act upon their own authority and responsibility, but in matters of importance they would receive directions from the Minister of War or from his representative—the chief of the civil staff. The chief of each department was to cause a journal or day-book to be kept, in which should be entered a correct list of all communications received daily, with a brief description of the particular subjects to which they related, so that it might be at once seen whether the orders that had been given had been executed, and what was the state of the business intrusted to the department. With regard to the manufacturing departments at Woolwich, their old constitution had not been very much altered, and the department of gun factories, carriages, laboratories, small arms, and powder remained much as they were. The Committee would see that the principle upon which all those changes had been made was, simply, that a central control over the whole of our military administration had been established, and at the same time the principle of individual responsibility had been carried out in the fullest possible manner, for the head of every subordinate department had his duties clearly defined and marked out, and was responsible to the Secretary of State for their efficient execution. It would be utterly impossible for the future that there should be a failure in any part of the equipment or *matériel* of the army without its being known at once who was responsible, and that responsibility was made real by the head of each department being entrusted with such power that he was enabled in a great degree to select his own instruments and to carry out his arrangements in his own way, and was merely responsible to the Secretary of State for the working of his department. Of course, as that new system had been in operation such a short time it would be useless to enter into any statement as to the improvements effected by the alteration. He could only state that, so far as his own observation had gone, there had been a very considerable change, and he thought that business connected with the military departments was now done much more rapidly than was formerly the case. Their experience, however, of the working of the new system was too short to enable him to bring forward such examples as would be convincing to the Committee at present. It was sufficient to say that the principles upon which the system was founded were those of reason and common sense, and he believed that in the course of a very few months it would be found easy to show that from it the country had derived great and important benefits.

MR. STAFFORD said, that on the 22nd of May a Bill had been brought into the House and read a first time, entitled the Ordnance Board Bill, and it was proposed to proceed with it immediately; but as the Bill was not printed, he proposed that some delay should take place in proceeding with it. Since the 22nd of May, he had often urged that some statement of the details of the measure, which went to the entire abolition of the Board of Ordnance, might be given, and that the principles on which the alteration was made should be stated. The House had been occupied with all sorts of subjects—many of them unconnected with the war—and the noble Lord at the head of the Government had not found an opportunity for putting the country in possession of the arrangements made in time of war with regard to a most important office. It was now so late in the Session, that after the statement which had been made that night of the changes which had been effected, all hope of any further discussion was at an end, and the benefit of any suggestions which might have been made in that House would be lost, and on the Government must consequently rest the responsibility until next Session, whether the plan failed or succeeded. He had listened with the greatest possible interest, and, at the same time, with some degree of surprise, to the statement of the hon. Gentleman (Mr. Monsell). The hon. Gentleman had stated reasons why certain departments of the army had failed; but those failures had been prophesied more than a year ago. On the 31st of January, 1854, Earl Grey in another place said—

> "I can say, from my own experience, having for many years held the office of Secretary of War and Secretary of State for the War Department, that the urgency of some reform in the constitution of those departments is much greater than is generally supposed. If this were the proper time for it, I could lay before your Lordships cases of mismanagement and of evils which have existed for the last fifty years, directly traceable to this vicious organisation of these departments; and I could adduce facts proving those evils, which, I think, would astonish your Lordships and the country. I hope, therefore, this most important subject has already occupied the attention of Her Majesty's Government, and that they will be prepared either to propose to Parliament, or to adopt by the authority of the Crown, and communicate to Parliament—for much may, I believe, be done by the authority of the Crown—that in one way or the other they will lose no time in introducing an amended organisation of these departments. If they do not, I venture to predict, from the want of unity in the management of departments closely connected with each other, and the dilatory and cumbrous arrangements for the transaction of business, that before we have been many months engaged in serious war, it will assuredly lead to some calamitous results."—[3 *Hansard*, cxxx. 62.]

All that the hon. Gentleman had stated, was stated by Earl Grey on that occasion. Afterwards, when the pressure of public feeling was too strong for the Government, they, as he thought, reluctantly separated the War Department from that of the Colonies, and a fourth Secretary of State was created. But even then, the Secretary at

War maintained that, in consequence of the diminution of the business connected with the Colonies, the Colonial Minister could have continued to perform the duties of the War Department, an opinion which was controverted by the noble Lord the Member for Totness (Lord Seymour) and the right hon. Gentleman the Member for Droitwich (Sir J. Pakington), who had himself been Secretary for the Colonies. Of the value of the change which stopped at the creation of a fourth Secretary of State, and left the departments as they were with their responsibilities undefined, the experience of the last nine months, and the evidence of the ex-Ministers before the Sebastopol Committee, there was abundant proof. The noble Lord the Member for London (Lord J. Russell) in November, wrote to Lord Aberdeen, and said—

> "I am of opinion that the House of Commons would expect, after six or seven months of deliberation, a final arrangement of the War Department."

But the Sebastopol Committee remark—

> "Your Committee can find no trace of these deliberations, and any evils that may have resulted from delay in such arrangements are therefore very properly laid to the charge of the Cabinet."

The late Government went out of office without submitting any plan to the House for the proper constitution of the War Department, and yet the hon. Gentleman (Mr. Monsell), who, having held office under the late Government and under the present, spoke with some authority, referred to the failure of the War Department, gave his reasons why that failure had taken place, and called upon the House and the country to agree with him that, under any system half modelled and unsettled, disasters could not have been avoided, and must have been expected by any man who laid claim to the character of a statesman. So far as he (Mr. Stafford) was concerned, having witnessed abroad and ascertained at home the causes and effects of a confusion of departments, he thought that at a much earlier period many beneficial changes might have been introduced into the constitution of the War Departments, and it was not the fault of the Opposition side of the House that the opportunity had been neglected, and the period allowed to pass by when such changes might have been effected. He trusted that the sanguine anticipations at present entertained by his hon. Friend would be realised, and though the merit might be less now than it would have been at an earlier period, he hoped the result would be fortunate, and that the War Office as at present constituted would do more towards saving the lives, ameliorating the sufferings, and increasing the comforts of our soldiers, than the unhappy arrangements which existed previous to the entrance into office of the present Government. At the same time there was one department to which he wished particular attention to be directed. In the evidence given by the right hon. Member for South Wiltshire (Mr. S. Herbert), before the Sebastopol Committee, the following definition was given of the relations of the Secretary at War with the Secretary of State for War:—

> "The relation of the Secretary at War with the Commander in Chief is really that of control or check upon the expenditure of the army. At present the Secretaryship at War is not abolished, but it is held simultaneously with the Secretaryship of State by Lord Panmure; and in many Acts of Parliament duties are imposed upon the Secretary at War which, unless those Acts are repealed, could not be performed at all."

Subsequently in answer to a question from the Committee, the right hon. Gentleman stated—

> "If any extravagant expenditure was incurred by the order of the Secretary of State, it would be the duty of the Secretary at War to appeal to the Treasury to decide between them."

He (Mr. Stafford) therefore understood that Lord Panmure was now Secretary for War and Secretary at War; and if, as Secretary for War, he was guilty of any extravagance, he would appeal to himself as Secretary at War to correct any such excess of duty! It was important that the financial position of Lord Panmure, with reference to himself or to some one else, should be defined, for he (Mr. Stafford) found that the noble Lord had not very well considered his business. On the 28th June, Lord Panmure stated that—

> "We propose, therefore, to try another mode which, though entirely novel in the British army, is one from which we anticipate considerable success. The plan is this, that to all soldiers who shall be engaged in the field of action before the enemy—and this will, of course, apply at once to the army in the Crimea—double pay shall be given. I propose that 1s. a day shall be added to the pay of all men who are now before the enemy, and this addition will take place from the day when they landed in the Crimea. I do not propose that this addition shall go immediately into the pockets of the soldier. . . . I propose, therefore, that this additional pay shall be invested in the savings-banks in the country. If the soldier survives and returns to this country it will

accumulate into a fund, which he will receive on his discharge; if he is pensioned he will have it in addition to his pension; and, if he unfortunately falls, it will be given to his representatives." [3 *Hansard*, cxxxix. 275.]

That plan produced a great sensation in the army, and was received with great satisfaction. But a noble Lord having suggested that the sum required for carrying out such a plan would amount to something like 750,000*l.*, Lord Panmure, on the 5th of July, stated that

"it was one of the great features of this plan that the promised addition to the soldier's pay was to be given only to those engaged in actual war, or to those at present serving in the Crimea . . Since he made that announcement, he had been informed by a great many military officers, to whose opinions he felt bound to listen, that unless the soldier got the pay into his own hands, the plan would not be likely to succeed. In the face of these representations, he did not think it would be right or proper for him to ask the nation to risk entering upon so great an expenditure, for the purpose of trying a plan which he was told by experienced officers, would perhaps fail to produce the result intended. But, on the other hand, putting at once into the soldier's hands an amount of pay increased to the extent which he had named, would, in his opinion, go far to affect the soldier's discipline; if he had too much money, he might find it pleasing, and perhaps convenient, to incur a breach of discipline. He (Lord Panmure) had, therefore, so far altered the scheme that, instead of investing a shilling a day for the soldier's benefit at a distant period, he now proposed immediately to put the additional sum of sixpence a day into the hands of the soldier as an extraordinary field allowance, precisely in the same way in which extraordinary field allowances were now paid to the officers. He proposed, instead of putting it into the savings-bank, to give the soldier the benefit of an arrangement which existed in the navy, and which was voluntary on the part of the men themselves, but encouraged by their officers; and to enable the soldier to allot any part of that sixpence to his family, instead of receiving it himself." [3 *Hansard*, cxxxix. 438.]

Now, he confessed, he could not quite understand why Lord Panmure, before he promulgated his plan, did not honour with a consultation those Gentlemen who were found after its promulgation to be best acquainted with the subject. But, inasmuch as on the 28th of June, Lord Panmure proposed 1*s.*, and on the 5th of July only 6*d.*, it was only right that the House of Commons should know how far 50 per cent was to be struck off that expenditure at the mere suggestion of Lord Panmure. If the statement of the right hon. Member for South Wiltshire was correct, the only appeal in the case was from Lord Panmure as Secretary for War to Lord Panmure as Secretary at War. He hoped his hon. Friend (Mr. Monsell) would explain the financial position of the Secretary for War, and whether that functionary could sit in the House of Commons or not, a fact which had not been mentioned by his hon. Friend. If the Secretary for War was to have the whole financial control of the army, the Crown should be advised to let him be a Member of the House of Commons; but if he was necessarily to be a peer, and the whole of the financial details of the army rested with the two Gentlemen who represented the War Department in that House, he was not yet aware which of them was to have charge of the Estimates. But it would be recollected that the noble Lord the Member for London, in his correspondence with Lord Aberdeen, spoke of the gravity and importance of the position of any person who might be intrusted with that duty. During the last few months several gentlemen had stated at meetings connected with financial reform, that they had been offered, and had refused, the position which his hon. Friend (Mr. Monsell) now filled; and he could hardly imagine, from the manner in which those offers had been made and refused, that it had been the intention of the Government to place the whole financial department of the army in the hands of the Clerk of the Ordnance. The hon. Gentleman had not explained what would be the relative positions of the Clerk of the Ordnance and the Under Secretary for War, neither had the Committee been informed what would be the relative positions of the accountants of the Ordnance and of the army, or in what position the Deputy Secretary at War would be placed with regard to the Ordnace Department. Although great and radical changes had been introduced, he thought the Clerk of the Ordnance had not defined with sufficient distinctness the new functions which each department was to be called upon to discharge. He (Mr. Stafford) thought it desirable that more than one discussion should take place on such a very important subject. Lord Grey had declared, in another place, that it was impossible to criticise the plan proposed by Lord Panmure, which had to-night been submitted to that House by the Clerk of the Ordnance, without being in full possession of its details. Lord Panmure promised, on that occasion, to lay before the other House a memorandum explaining all the changes proposed; but the promise which, according to the ordinary channels of information, was then made by Lord Panmure, remained yet unredeemed. He considered it most desirable that the position of the Commander in Chief, with regard to the Secretary of State for War, should be clearly defined. Lord Hardinge protested, before the Committee of 1836, against the transfer of the Commissariat from the Treasury to the Department of the Secretary of State for War, but the noble Lord took no part in the recent discussions on that subject in the House of Lords. He thought, however, that the Committee ought to be informed whether, with regard to pensions, to the movements of troops, and to the recommendation of promotions, the position of the Commander in Chief would remain precisely as it was before those changes were introduced. The opinion of Lord Hardinge would have great weight with the country, for the most valuable improvements recently introduced in our military departments—the adoption of the Minié rifle, and the improvement and increase of the artillery force—were attributable to that noble Lord. He (Mr. Stafford) had not the least wish to oppose the Ordnance Estimates, or to embarrass the Government by any questions which they might feel reluctant to answer. The Government had chosen to postpone the statement of those matters until so late a period of the Session that there was no time for their discussion, and upon the Government, therefore, must the responsibility of those changes rest. He only hoped that the war would be carried on, during the recess, with statesmanlike foresight and prudence, and beyond the degree in which the Government had yet given any proof of their possessing those qualities.

Mr. W. EWART said, there was one point in which he thought our management had been very deficient, and that was in the application of the mechanical genius of the country to the conduct of the war. The method of contributing to the effect of warlike operations was peculiarly adapted, as he thought, to the English nation, with its great command of capital, its scientific knowledge and skilled labour, and its abundant stores of coal and iron. He had never yet understood the reason why the great gun of Mr. Nasmyth, which had been described as a most effective engine of warfare, had not been completed and brought into action. He had been told that at first the Government desired Mr. Nasmyth to proceed as quickly as possible with the construction of it; that he was then ordered to stop, and afterwards to go on again with it. He (Mr. Ewart) wished very much to be informed how the matter stood; but if it were considered that it would be impolitic to publish the intentions of Government with regard to it, he would only say that he hoped it was not left out of sight. Not only as a means of promoting our success in the present war, but even as a friend of peace, he was very anxious to see the full development of scientific agencies in war, for he believed nothing would be more likely to secure a long duration of peace than perfecting the destructive efficacy of the instruments of warfare. He believed that the employment of such means by England was what Russia had dreaded more than anything else, and the ablest chemists and mechanicians in the service of Russia had been devoting their efforts to furnish her with such weapons. Now, in that direction, surely, it was fitting that Great Britain should take the lead, and it was more than probable she might command success in it.

Sir GEORGE TYLER said, he was glad to learn that an officer was now to be appointed in connection with the Ordnance Department, as Director General of Naval Artillery. In the Order in Council the commander of the Royal Artillery was styled Director General of the Royal Artillery, while the commander of the Naval Artillery was merely termed the Naval Director of Artillery. [Mr. Monsell: The title of the officer in question was to be Naval Director of Artillery.] He had misunderstood the matter, then; but he could not see why a naval officer, as a scientific man, having very considerable responsibilities to sustain, and having to be in constant communication with the Admiralty, should not rank as equal with the military Director General of Artillery. He saw, however, that it was proposed to fix the salary of the Naval Director of Artillery at only 500*l.* a year. An officer of rank, high character, and scientific acquirements, would feel degraded in such a position. Lord Hardinge and other witnesses before the Sebastopol Committee had borne testimony to the importance and efficiency of the work done by Sir Thomas Hastings and other naval men in the Ordnance; and it appeared that three-fifths of the stores in that department belonged to the navy. The Government might depend upon it that unless they put the right men into the various departments they would never give satisfaction to the country.

CAPTAIN LEICESTER VERNON said, the military and civil services were so mixed—he had almost said fused together—in the Orders in Council as to render it all but unintelligible, and it was very evident that the framer of the Order was utterly ignorant of the nature of many of the duties to which it referred. It appeared to him that at the very outset the framer had fallen into an error when he represented the Clerk of the Ordnance as if he had only civil duties to perform, whereas he had important military duties to discharge. The next office was that of Inspector General of Fortifications, held by Sir John Burgoyne, and among the duties which he had to perform were those of the preservation and maintenance of the fabric of all existing fortresses and military buildings, the examination of all plans and projects for fortifications, barracks, and other military works, and the preparation of specifications and estimates of all works connected with fortifications or military buildings. Yet those were called civil duties. Why, the duties performed by Sir J. Burgoyne before Sebastopol might as well be called civil duties. And here he begged permission to make an observation with reference to Sir John Burgoyne's services at Sebastopol. The hon. Member for Cambridge (Mr. S. Adair) the other evening stated that Sir John Burgoyne had been deceived as to the strength of Sebastopol; but he had it from that gallant Officer himself that that observation of the hon. Member's was not a correct statement of his opinion. What he said in his evidence was, that he found the place stronger than he had from previous impressions been led to believe, and that he was not of opinion it would have resisted so strongly had the course been adopted which he wished to see pursued, but still he had no doubts but that it would be taken. It might become his (Captain Vernon's) duty at some future period to show the House that that Officer had acted in the most energetic and enterprising manner. On that matter the press had for a time been misled, but it now fully admitted the great and important services rendered by Sir John Burgoyne. The next office laid down in the Order in Council was that of the Deputy Inspector General of Fortifications. Then there were two Assistant Deputy Inspector Generals, at 500*l.* a year each, and who, it was said, were to perform such duties as it might hereafter be found necessary to devolve upon them. If anything could prove that the framer of the Order in Council was very inadequately informed as to the nature of the task he had undertaken that particular passage did, for here an office and a salary were named before the duties to be discharged could be defined. The Director General of Contracts, which was a civil office, was held by a gentleman of the name of Howell, and he was bound to say that that gentleman was a perfect man of business, who knew his duties and performed them well. Turning to the military departments, he found, under the head of establishments at Woolwich, a Superintendent of the Royal Gun Factories and a Superintendent of the Royal Carriage Department. Two such offices had been held by Colonel Wilford and Colonel Gambier, but they had been superseded and placed in inferior situations, and other men, but not better men, had been put in their places. He did not find fault with the officers so appointed, but it was of the system that he complained. The next subject to which he should call the attention of the Committee was the office of Superintendent of the Royal Laboratories. That was an appointment which, under a very slight variation of title, had been held by Colonel Wilson, than whom, according to general admission, there was not a better man in the service. Yet he had been superseded by Captain Boxer. He did not wish to detract from the merits of the latter officer, who was undoubtedly a man of great intelligence; yet he thought it hard that Colonel Wilson, who had served his country in various parts of the world, fighting against its enemies, should be superseded by Captain Boxer, who, however excellent as a scientific man, had almost entirely confined his military service abroad to eleven months at Malta. Captain Boxer had been put in the room of Colonel Wilson at an increased rate of salary; and Colonel Wilson, he understood, had received a gratuity of 200*l.* Giving such a sum to Colonel Wilson was like adding insult to injury. If Colonel Wilson deserved a gratuity, he ought not to have been removed; and if he merited removal, he should not have received a gratuity. He wished to know who made those appointments? He thought it was not the Commander in Chief, nor the Lieutenant General of the Ordnance, nor Major General Cator, the Director General of Artillery. Of course it could not be the hon. Gentleman the Clerk of the Ordnance, nor did he (Captain Vernon) believe it was the Secretary for War who had made these appointments. Then, was there some other person or influence behind all those authorities by whom such things were done? Upon the whole, he did not see clearly the way in which the new administration of the department was going to work, and he was not very well satisfied with such an account of it as he had received.

Colonel DUNNE said, he must confess that, even after the statement of the hon. Gentleman (Mr. Monsell), he was very much at a loss to understand what were the real intentions of the Government. The proposed changes, he believed, were quite contrary to the opinions of the highest military authorities, and it was known that the late Lord Raglan entirely disapproved of them. He (Colonel Dunne) wished to know whether the accounts of the regiment of artillery were to be transferred to the War Department in the same way as the accounts of the rest of the army? Were the arming and clothing of the troops to be placed on the same footing as the rest of the army? He saw that the hon. Gentleman the Clerk of the Ordnance had relieved himself of many of his duties, and that he had placed himself as a general superintendent over all the departments which he called civil, but which he (Colonel Dunne) said in reality were purely military in their natures. That was a most erroneous and inconvenient course, because now there would be a man at the head of those departments who would be totally ignorant of all the details. The duties of that officer were to prepare annually the estimates for Parliament, and generally to superintend and control all the money arrangements connected with the department. Those duties were now transferred to the Inspector of Fortifications. To that officer was also transferred the care of the barracks—a thing with which he had nothing to do. Changes equally questionable were made in reference to the department of contracts, and also in reference to the clothing. There was now no Board at all, but only a director of clothing; and to whomsoever the blame was to be attached, he (Colonel Dunne) had never seen worse clothing than that now furnished to our soldiers. He thought that there ought to be some board to decide upon that clothing with which the soldier could go comfortably into the field. But was the director solely to decide? He was glad that a most gallant officer, who had distinguished himself at Alma, had received that appointment; but was he alone to decide? [Mr. Monsell: He would decide on the patterns.] But no substitute for a Board was provided.

Mr. MONSELL: There could be no alteration made in the clothing of the army without the sanction of the Commander in Chief.

Colonel DUNNE: Improvements were every day suggested, and he wished the soldier to obtain the benefit of those improvements. There should, therefore, be some general system of inspection; but that had altogether been left out. He did not think that they could get a proper Director of Stores for 500*l*. a year.

Mr. MONSELL said, he must beg to explain that that sum had been originally fixed on the supposition that the officer appointed could also retain his full pay; but that not being the case, it was proposed that the salary should be 900*l*. a year.

Colonel DUNNE: he must also complain of the mischievous disposition of civilians who were not capable of forming a judgment on professional matters. The Government had taken great credit for the separation of the management of the laboratory from the manufacture of gunpowder. He (Colonel Dunne) could not approve of that arrangement. He was perfectly certain that no change had been proposed which would be for the better. The assistants in the different departments were, he supposed, to be abolished, and thus many young officers would be deprived of appointments which they had held with benefit to the service. There was also to be an alteration in the composition of the scientific Committee at Woolwich, by the introduction of a great number of gentlemen distinguished in science, but whom the country could not sufficiently reward to induce them to give exclusive attention to the different branches of the artillery service. He was afraid that the system about to be established would be pernicious and inconvenient. He had always heard that in 1803, the Ordnance Department was in as bad a state as that to which it had now been brought by the hon. Member for Limerick; but that in 1815, so efficiently was that department managed that our military weapons and equipments were the most perfect in Europe. And how was that improvement effected? Not by placing civilians over the department, but by entrusting its management to military men. By placing properly qualified military men, and not civilians or mere political friends over the Ordnance Department, England reached a pitch of military glory far higher than had been attained by any other European nation. But the state of that department was far different now. He did not believe that our army before Sebastopol was furnished with good arms, guns, powder or shells. Of course, the subject was a delicate one, and he did not wish to reveal anything which it would be injudicious to publish; but he warned hon. Gentlemen that some failure might occur in the operations of our army, in consequence of the bad weapons and materials with which they were furnished. That was not merely his own opinion. Men of much greater military experience, and who were better qualified to pronounce an opinion upon the subject, entertained a similar apprehension.

ADMIRAL WALCOTT said, he could only express a hope that the new system would work as well as the old, and that it would produce results equally creditable to the service.

MR. W. WILLIAMS said, he wished for an explanation of the increase in the charge for advertisements, stamps, travelling expenses, gazettes, and other contingencies, which, from 2,810*l.*, had risen in the present year to 5,210*l.* All those items ought to be submitted separately, instead of being taken together in one sum. Many complaints had been made of the difficulties which were thrown in the way of persons who had new inventions to submit to the Government, but he hoped that those difficulties were only the temporary consequences of the changes which had been going on, and that for the future no such difficulties would be met with. He regretted exceedingly to find that the changes which had been made had not been productive of a greater saving of expense.

MR. MONSELL said, that the real question was not with regard to the saving of expenditure in the management of the departments, but would the plan of consolidation, or would it not, give efficiency to the public service. That could only be tested by experience, but he rejoiced to see that no hon. Gentleman had found fault with the main principle of central control and individual responsibility. Under the old military system those principles, he believed, were entirely set aside. He could not doubt that the new plan would produce most satisfactory results—indeed, he believed that during the six weeks during which it had been in operation, it had already produced most important results. He now observed in all the military departments much greater efficiency and energy than were seen there before the introduction of the new plan. His hon. Friend the member for North Northamptonshire (Mr. Stafford), had blamed the noble Lord at the head of the Government because the plan had not been earlier submitted to the House; but it was not the fault of his noble Friend that it had not been laid before the House till now. Six weeks ago, he (Mr. Monsell) was ready to submit it to the House, but he was prevented from doing so by the many Motions which had been made by hon. Members, which occupied a great deal of the time of the House without leading to any results. The hon. Member for North Northamptonshire had also asked what would be the financial position of the Secretary at War under the new arrangement. Under the old system, said the hon. Gentleman, the Secretary for War was a check in financial matters, upon the Secretary at War; but that now, when there was only one War Secretary, there would be no such check. The Secretary at War, under the new arrangement, would be submitted to the same checks as every other head of a Government department was subject to. The Secretary at War would not have the power to expend a single farthing more than a Committee of Supply of the whole House might permit him to expend. He would be bound by the Votes granted by the House of Commons. Under the new arrangement the whole of the Military Estimates of every description would be submitted to the House at one and the same time by the gentleman who might have the honour to hold the position now held by himself (Mr. Monsell). The hon. and gallant Gentleman (Colonel Dunne) had asked what would be the position of the Commander in Chief under the new arrangement. The Commander in Chief's position would be in no way changed, except with regard to some additional duties which the new plan would devolve upon him, in consequence of the abolition of the office of Master General of the Ordnance. The Commander in Chief would be no more nor no less connected with the Secretary for War after, than before the new arrangement. The hon. Member for Dumfries (Mr. W. Ewart) had asked why the Government had not proceeded to manufacture guns upon the plan suggested by Mr. Nasmyth. The

Government were about to test the value of Mr. Nasmyth's gun in a few days. The hon. and gallant Member for Chatham (Capt. Vernon), had asked in whose hands was the appointment of the officers who had been nominated in the Order in Council. Their appointment rested with the Secretary at War, who consulted with the Commander in Chief. The clothing of the army could not be altered without the consent of the Commander in Chief, who would consult the Director General of Clothing with respect to the clothing of the army. That he believed was the course that had been pursued with respect to the cavalry equipments which had been issued within the last few days. With regard to those gentlemen who had been appointed by the Secretary at War to very responsible situations in the military department, all he would say was, that however well qualified to act in ordinary times, those gentlemen were not so well qualified as their successors to discharge their duties in a time of war.

COLONEL DUNNE said, he shared the regrets of the hon. Member for Lambeth (Mr. W. Williams), in reference to the results of the recent arrangements. The clothing he was certain could be done much cheaper than it was now done. The clothing supplied to the soldiers of the French army was not only cheaper, but it was much better. If there was any profession in the world in which central control and individual responsibility were desirable, it was the military profession. It was most injurious to the service to put civilians into the military offices; and he had no hesitation in saying that in the recent changes the best men had not been put into the best places. They were not at all acquainted with the subordination of the army, and they were really not the best men for the performance of the duties that were to be performed.

MR. W. WILLIAMS said, that nothing could be worse than the old clothing system. The clothing of the Marines, which was done by the Admiralty, was 17 per cent lower than that supplied to the line by the colonel. The present clothing of the militia was absolutely discreditable, and that was done by the colonels. ["No, no!"]

COLONEL DUNNE said, the militia were clothed by the Ordnance; and certainly he had never seen such abominable red baize as that of which the men's uniforms were made.

MR. GLADSTONE said, he must take exception to a Vote of 300*l.* for a private secretary to the Clerk of the Ordnance. It had not been customary to allow salaries for private secretaries except to those Officers of State who were usually Members of the Cabinet. Even the First Commissioner of Works in Lord Aberdeen's Government, who was a Member of the Cabinet, was only allowed 150*l.* a year for a private secretary, though that sum was afterwards increased to 300*l.*

MR. MONSELL said, he should certainly consider it a great advantage if he were allowed the Vote, inasmuch as it would enable him to procure the services of a military man as private secretary.

MR. GLADSTONE said, he would admit that that might, perhaps, be a sufficient justification of the Vote, but he hoped that the subject would be a little more considered next year.

MR. DISRAELI said, he agreed with the right hon. Gentleman the Member for the University of Oxford in his observations on the Vote in question. They had never yet pretended to allow any adequate remuneration for the services of private secretaries; and the proposed Vote might form a precedent for a large increase in the salaries of those gentlemen.

MR. MONSELL said, he would consent to reduce the Vote by 150*l.*

Motion made, and Question proposed—

> "That a sum, not exceeding 70,566*l.*, be granted to Her Majesty, to defray the expense of the Ordnance Office, which will come in course of payment during the year ending the 31st day of March 1856."

put, and *agreed to.*

(6.) 74,506*l.* Wages of Artificers and Labourers.

MR. MONTAGU CHAMBERS said, that the foremen at Woolwich had been put under stoppage, which had had the effect of reducing their wages below those received by ordinary workmen. Those stoppages had not been enforced, and the men were now anxious to obtain their back pay. He had also to complain of the reduction, without notice, of the wages of the workmen employed by night in the Lancaster shell factory. Such sudden reductions might lead to very serious consequences. He was informed that the wages given in the Royal Arsenal were beneath those in private establishments. He thought it extremely important that those matters should be made the subject of investigation.

Vote *agreed to.*

(7.) 766,632*l.* Ordnance Stores.

MR. MONTAGU CHAMBERS said, he had been told that there were a number of iron plates in the Arsenal which had been intended for Lancaster shells, and which had cost 7,000*l.* or 8,000*l.*, but which were quite useless. The wheels of the waggons supplied for the Land Transport Corps had also been spoken of in terms that would imply that they had not been very carefully inspected.

MR. MONSELL said, that that was the last department respecting which he should have expected to hear complaints, but he would make inquiries. The iron plates had been put aside in consequence of improvements which had been discovered in the fabrication of the Lancaster shell since its first invention.

Vote *agreed to ;* as was also

(8.) 300*l.* Dr. Southwood Smith.

(9.) Motion made, and Question proposed—

> "That a sum, not exceeding 15,000*l.*, be granted to Her Majesty, for the purpose of erecting, in the year ending on the 31st day of March 1856, a Building of corrugated iron as a Museum, on the land at Kensington-gore acquired by the Commissioners for the Exhibition of 1851."

MR. SPOONER said, it was his intention to take the sense of the Committee on the Vote. When the House, in 1852, voted the sum of 150,000*l.*, in order, with the 150,000*l.* remaining in the hands of the Commissioners, to purchase the land, they were told that nothing would be done until the whole plan had been submitted to Parliament. Last year, again, when 25,000*l.* was granted to purchase a piece of land adjoining, the pledge which had thus been given by his right hon. Friend (Mr. Disraeli) was repeated by the noble Lord (Lord J. Russell) ; and he (Mr. Spooner) warned the Committee against entering upon an expenditure of which they could not foresee the end. In his opinion, the distance from London at which it was proposed to erect the museum was too great for the mass of the inhabitants of the metropolis to avail themselves of its advantages. The object for which the Vote was asked might be a proper and a desirable one in time of peace, but, considering the burdens imposed upon the country, he thought the Committee ought to pause before they agreed to an expenditure of which the present was but an instalment, and with respect to which no detailed plan had been laid before them.

VISCOUNT PALMERSTON said, the hon. Gentleman who spoke last, entirely misconceived the object of the Vote. He appeared to think that the Vote was to be applied to the beginning of a vast building, which would take a great deal of time to erect, which would cost a large sum of money, and which would proceed upon a plan which ought to be submitted to Parliament. In fine, he appeared to think that the Vote was to be the commencement of a great building for the accommodation of the scientific associations of the metropolis. That, however, was not the case, and the expense would be limited to the amount of the present Vote. The facts of the case were these—The public had already purchased a great number of specimens connected with science, arts, manufactures, and the education of the people, and those things were put away in places where they were practically inaccessible to the persons for whose advantage they had been collected. They were somewhat in the position of the library of Mr. Heber, which was packed away in cases and trunks in different warehouses, where it was inaccessible even to the persons to whom it belonged. The object of the Vote was to avoid a similar inconvenience, by the construction of a cheap and durable iron building at a comparatively small cost by means of which the Government would be enabled to arrange those different collections in such a way as to be useful for the purposes for which they were created. It was very well to say "We are engaged in the prosecution of a great war, and we can only afford to pay for the war," and that argument might apply with considerable force if the proposed Vote was on account of a large building which might require great additional expenditure to complete it. That, however, was not the case, and the Government were only asking for 15,000*l.*, which had nothing whatever to do with the extensive buildings which might hereafter be erected on the ground, but which would be devoted to the purpose of utilising and rendering available the expenses which had already been incurred. He hoped the Committee would agree to the Vote, which, he believed, would accomplish a very useful purpose, and tend in an essential degree to the encouragement of art and the improvement of the public taste.

MR. W. WILLIAMS said, he looked upon the Vote as the commencement of an expenditure which some persons calculated at hundreds of thousands, and others at millions. He thought, before agreeing to such a Vote, the Committee ought to have some idea of the ultimate cost of the building with which it was intended to cover the large piece of land at Kensington-gore —a building, too, which was universally complained of as likely to be at too great a distance from the metropolis for the people to make a proper use of it. He would suggest that the Vote should be withdrawn for the present, in order that the Committee might know what the scheme was, and what the probable cost of carrying out would be.

MR. GLADSTONE said, he was quite sure that neither of his hon. Friends was aware of the real object and character of the Vote. He would not advert now to the distance of the property from the metropolis, because that was a point which they must assume had been disposed of satisfactorily at the time when the land was purchased. The hon. Member for North Warwickshire (Mr. Spooner) had alluded to the pledge given by the right hon. Gentleman (Mr. Disraeli) and repeated by the Government of Lord Aberdeen, that the House of Commons should be made fully cognisant of the intentions of the Government, and should have an opportunity of passing its judgment upon the plans proposed before any expenditure was entered into; and he appeared to think that the Vote now proposed was more or less a departure from that pledge. To him (Mr. Gladstone), on the contrary, it seemed that the Vote was proposed in perfect consistency with, and, even he would add, in fulfilment of that pledge. It was in contemplation to cover the land at Kensington-gore (the extent of which had been considerably understated at sixty acres) with buildings devoted to purposes for which the land was originally bought. How much would it cost to erect such buildings? Undoubtedly an enormous sum of money. The utmost liberality on the part of the House of Commons would not supply sufficient funds to accomplish the whole design within a considerable number of years, and he ventured to say that very few of those present would live to see that site fully covered, and the great design of the Commission entirely accomplished. So strongly did he feel on the subject that, as Chancellor of the Exchequer, he had urged upon the Commission that it would be exceedingly wise to devise some means for the profitable occupation of a portion of the ground during the long interval which must elapse before the whole could be covered. Here was a capital of something like 350,000*l.*—a sum of money which was very economically laid out, and which it would be easy to realize with a profit if they were willing to dispose of the land; here was a capital of 350,000*l.* lying almost entirely dead. Now, it certainly was not desirable that it should so lie dead; but would it have been wise on the part of the Government, in the present position of the nation, to bring forth a magnificent scheme for covering that ground with permanent buildings, and to come down to the House of Commons with a Vote for the commencement of those buildings, which could not have amounted to much less than 150,000*l.* to 200,000*l.*, though that would not have carried them forward any sensible distance in working out the design? If that course had been followed, his hon. Friends might, indeed, have found fault with Her Majesty's Government for departing from their pledge, and they might fairly have doubted whether, at that moment, it was wise to commence a large expenditure of that kind, which must necessarily entail a progressive annual grant of very large sums. Under present circumstances, however, no blame could attach to the Government for not having set in motion that machinery which they had promised, with a view to the accomplishment of that great scheme. What was it that the Government had done? Having in their possession many valuable and interesting objects of art, which they were unable to exhibit because they had no place in which to exhibit them, and having also in their possession a valuable site with nothing standing upon it, they had come forward with a simple and rational plan for the erection of a temporary building in which they proposed to provide accommodation for those objects. 15,000*l.* was no doubt a considerable sum to expend for such a purpose; but if they were to hire apartments capable of containing those works of art, not only the interest of 15,000*l.*, but a much larger sum would soon be expended. It was purely a provisional arrangement that the Committee were called upon to sanction. The building, when erected, would be worth a great part of the money expended upon it as old iron, and the Commissioners themselves stated in their letter to the Chancellor of the Exchequer,—

> "Irrespective of its simplicity and cheapness, and the remarkable facility with which it can be constructed, it enjoys the great advantage, in a pecuniary point of view, of being designed of a

material which possesses a permanent pecuniary value, to which the cost of the labour employed in its construction bears only a small proportion. While, therefore, it could, on the one hand, be at any time taken down and re-erected, if necessary, on another site, or in another form, at a very trifling expense, it could, on the other, be resold, should circumstances render it hereafter desirable, at no great deterioration of value; while, should it be found necessary, on the contrary, to enlarge it, in consequence of additional accommodation being required, the cost of so doing would be considerably less in proportion to the original cost, inasmuch as only two of the four sides would have to be extended."

If they were about to lay the foundation-stone of some structure that would be useless hereafter unless great additions were made to it, the objections of his hon. Friend (Mr. Spooner) would apply; but, on the contrary, they were about to make an outlay complete in itself, though for a certain specific purpose, of a temporary character. The Committee would incur no risk whatever in giving their assent to the Vote, and it appeared to him eminently rational that they should cover in portions of the ground from time to time according to the wants of existing establishments.

Mr. BELL said, he was prepared to assent to the Vote on the clear understanding that by so doing he would not be bound to further proceedings hereafter. He had heard a rumour that a plan had been prepared for the permanent occupation of the ground in question, and he was anxious to know whether, before any permanent building was erected, full and ample notice would be given the House?

Mr. DISRAELI said, that as a Member of the Government that originally proposed the purchase of the property, he felt that there was not the slightest foundation for the rumours referred to by his hon. Friend (Mr. Spooner). He referred to his (Mr. Disraeli) having described the investment as a desirable purchase and he could assure his hon. Friend that if a desirable purchase was the purchase of an article that you could sell for more than you gave for it, that was a definition which applied to the Kensington-gore estate. If it were the desire to sell the estate they could obtain a much more considerable sum than they originally gave for it. His hon. Friend had stated that there was an engagement that no commencement of building should take place without the matter being fully before the House; and he could assure his hon. Friend that that engagement had been rigidly kept. His hon. Friend and also the hon. Member for Lambeth (Mr. Williams) were mistaken when they confounded the present proposition with the scheme that was previously brought before Parliament, for there was really no connection between the Vote that was now proposed and the scheme that was then brought before Parliament. A necessity had arisen that some arrangement should be made for the reception of certain collections, and the only place where, in fact, the arrangement could be brought about, was this very estate. Now, what was the origin of the Vote? They had had, for a long series of years, the offer of collections for the possession and advantage of the country, which had been accepted, and the articles had been stowed in cellars, or placed in warehouses; and others had been refused in consequence of not having power to receive them; until at last the Society of Arts, which was in possession of a valuable collection of a scientific character, offered to present it to the nation, on the condition that it should be not only received, but exhibited for the advantage of the country. They were then obliged either to refuse to take that collection, on the plea that they really had no means of exhibiting it for the advantage of the people to whom it was presented, or they might come to Parliament and ask them to take that step that for the honour and advantage of the country they should adopt. Having at that moment a large quantity of pictures of an interesting character at Marlborough House, where they could not remain for long, and where they were now in a position which was not, he might say, decent, and having also a collection in reference to arts and sciences which could not be preserved there long, and which was not accessible to the country; it was necessary to take some steps to provide a suitable building for their accommodation. An estimate was offered for raising a building of glass and iron for 12,000*l.*, which building would, he believed, cover more than an acre of land, and would give ample opportunity of exhibiting those treasures to the country. They had entered most minutely into all the details of the building, and had added 3,000*l.* for fitting it up, which made the total of 15,000*l.* for the building. He begged the Committee not to suppose that there was any intention to commence the great structures referred to in the first instance. It was in the power of the country to obtain, in a comparatively short space of time, a magnificent museum of art and science without any cost to itself beyond that of raising a structure which would be worthy of the reception of such treasures. His hon. Friend (Mr. Spooner) should remember that the temporary building which was now contemplated had nothing to do with the original plan to which he had referred —a plan which he hoped one day would be adequately carried out.

LORD WILLIAM GRAHAM said, he did not rise to object to the Vote, as he looked upon it as an experiment. The only objection to the site was its position, and if that did not prevent people from resorting to it, that objection would be answered.

MR. BRIGHT said, that had the case been a clear one neither the right hon. Gentleman near him (Mr. Gladstone) nor the right hon. Gentleman who had just spoken would have been obliged to expend so many words upon it. The Committee were about to be led into a trap from which there would afterwards be no escape. He understood that the land which cost 350,000*l.* might now be sold for a sum exceeding that amount. Therefore, in reality, the question was a new one. The House of Commons was not yet absolutely committed to any expenditure from which it might not escape; and it was really worth while for them to consider what they were asked to do, before they gave the proposition their sanction. They were told that what was wanted was a temporary building—a sort of railway shed—to hold models, patent inventions and so forth. Well, but after it had been erected, half a dozen gentlemen, a small clique connected with Marlborough House and the Society of Arts, would pull the strings again, and the House would be told that the building was wholly insufficient for the objects accumulated, and that it was not creditable to the country that a large collection of valuable objects should remain in a building which was only fit to be a warehouse or a railway terminus. Thus they might be launched on an expenditure which would extend over a period of fifty years. They had been told by an ex-Chancellor of the Exchequer, who had devoted great attention to matters of that kind, that if they once sanctioned the plan now proposed, it was probable that the youngest member of the House would not see an end to the expenditure it would involve. He (Mr. Bright) remembered the time when that House was asked to consent to a Vote of 400,000*l.* for the establishment of docks at Keyham, and the result was that some 700,000*l.* or 800,000*l.* had already been expended upon that undertaking. A Committee had been appointed to inquire into the subject and they reported that the scheme was a blunder, and that, if it had not been carried out so far, they would not have recommended the expenditure of another sixpence upon it. He thought when the country was spending large sums of money for objects certainly a great deal worse than that now under discussion, that the House was not justified in commencing a plan which might land them in an expenditure of 1,000,000*l.* or 2,000,000*l.* He did not know what the object of the plan was, but they were all aware that there were a number of very shrewd and clever Gentlemen, who, ostensibly studying the public good, paid great regard to "Number One," and found themselves comfortably settled with salaries of 1,000*l.*, or 2,000*l.* a-year. His own opinion was, that it was only the beginning of a huge job.

MR. W. J. FOX said, he hoped his hon. Friend the Member for Manchester would prove a true prophet—that other collections would be offered to the public, and that other buildings would be required to place them in; and that the House of Commons would, for the honour of the nation, provide the requisite accommodation. The proposed expenditure would, however, be complete in itself; it would be an outlay of 15,000*l.* for a definite, distinct, and useful purpose, and nothing more.

MR. MITCHELL said, he doubted whether the spot chosen was not too far west. He was sorry, however, that the Government did not intend to commence the scheme on a much more extensive scale.

MR. SPOONER said, he was opposed to the whole plan of the building at Kensington-gore, and therefore should put every obstacle in the way of beginning the proposed scheme. He was ready to divide the Committee on the Vote.

MR. LOCKE said, he should oppose the Vote, on the ground that a pledge had been given that before any step was taken for the erection of buildings, the House would have a full opportunity of considering the matter. He believed, also, that Kensington-gore was too distant from town for the objects intended. Professional men and the various societies with which they were connected would never be induced to go so far in that direction.

MR. BOUVERIE said, he must remind the hon. Gentleman that the proposal before the Committee had nothing to do with the great scheme for locating all the scientific societies under one building to which he had referred.

Mr. CUBITT said, the question was whether the Committee would consent to the erection of a temporary building for the reception of many valuable collections which it was desirable the country should have the advantage of? Though we were in a state of war there were thousands of people whose minds were directed towards the study of science and art; and those collections, many of them of an educational character, would be of great assistance to such persons in their inquiries. At present much time and money were spent in making and reinventing things already done, but not generally known. Things were lying concealed which, if placed in a public building, accessible to all, would be of great value, both in saving time and expense, and in leading to important improvements. For such an object 15,000*l.* was a sum very trifling indeed.

Mr. DISRAELI said, that the pledge he had given had reference to the erection of a permanent building, and what he wished to convey to the Committee was, that he would never sanction the erection of a permanent building without the whole scheme being laid before Parliament; but that pledge did not refer to a proposition for a temporary building like the one under consideration.

Question put.

The Committee *divided;* Ayes 85; Noes 33; Majority 52.

Vote *agreed to.* House resumed.

CHARITABLE TRUSTS BILL.

Order for Second Reading read.

The ATTORNEY GENERAL said, that as the House was anxious to go into a Committee of Ways and Means, he trusted that the second reading of the Bill now before them, would be agreed to without discussion, on the understanding that the debate on the principle and details of the measure would be taken upon the Motion to go into Committee. Though there were parts of the Bill to which many hon. Gentlemen entertained serious objection, there were other parts which, it was important for the continuance and well working of the Commission, should be passed that Session.

Mr. WINN KNIGHT said, he objected to the Bill being read a second time that night. The Bill established a centralizing power highly objectionable, and the House ought not to pass the second reading without discussion.

Sir GEORGE GREY said, that if the hon. Gentleman now assented to the second reading, it would still be open to him to object in Committee to such parts of the Bill as he thought should be omitted from it.

Mr. DISRAELI said, there were objections affecting the principle of the Bill which ought to be discussed before it was read a second time.

Viscount PALMERSTON said, that the real object of the Bill was to vest the Commissioners with certain powers of administration, which would prevent the necessity for long, expensive, and multiplied Chancery suits; and, therefore, the discussion of objections to particular provisions might fairly be reserved to a future stage.

Sir WILLIAM JOLLIFFE said, he admitted that legislation on the subject was essential, but he considered that to hurry the Bill through Parliament during the present Session would only complicate the existing evils.

Bill read 2°.

NEGOTIATIONS FOR PEACE.

Order for Committee of Ways and Means read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Major REED said, he rose to move the Resolution of which he had given notice. He had hoped that some hon. Member of greater weight with the House than himself would have moved in the matter, but as they were about to prorogue in a fortnight, and no one else had indicated an intention to take up the subject, he had felt bound, as a last resource, to endeavour to extract from Her Majesty's Government some assurance that, if during the recess terms of peace should be offered, Parliament should be called together and allowed to express its opinion upon those terms before they were finally accepted. His Resolution might be considered to be of too mild a character, and certainly he had previously drawn up one couched in somewhat stronger language; but, wishing to avoid infringing on the Royal prerogative, he had subsequently been induced to modify its phraseology. If the noble Lord at the head of the Government did not feel it to be altogether his duty to give a pledge on the subject, it would, nevertheless, only be a graceful act of condescension on his part to take Parliament into his counsels, before the terms of peace were definitively arranged; while on the other hand, should Parliament adopt a course of which the Government could not approve, he would still have the prerogative of the Crown to fall back upon, and would be free to act as he thought best for the country. The Resolution might not be popular in the House, but the greatest anxiety prevailed throughout the country on the subject of Parliament being prorogued for as long a period as usual. He might now have confidence in the noble Lord, and so might the House and the country, but he maintained that the noble Lord was but human. [*Laughter*]. Hon. Gentlemen might laugh, but it was no laughing matter. He viewed it in a most serious light; he wished he had ability, power, and position to do justice to it, and then hon. Gentlemen would not laugh. [*Laughter*]. He could imagine that hon. Gentlemen would treat with derision anything he might say, but he warned them that when they appeared before their constituencies, as might shortly be the case, they would be called to account for their conduct. He said again, the noble Lord was but human, and the Government was but human, and they knew that to err was human. He did not demand, but he appealed to the noble Lord in the name of the people of England—to whom the noble Lord owed his position—to give an assurance, which would allay misgivings in the public mind, that no peace should be ratified without paying the Representatives of the people the compliment of calling them together—not to interfere with the prerogative of the Crown, but to ventilate the question. It was no party question; it was a question of great magnitude which he submitted to the House with the solitary observation, that if the House did not deal rightly with the country, he should leave the country to deal with the House.

MR. OLIVEIRA seconded the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

"this House, participating in the national anxiety that no pacific arrangement should be concluded with Russia which does not appear best calculated to secure an honourable, just, and lasting peace, wishes to impress upon Her Majesty's Government how great a satisfaction it would be to the House and the Country to receive an assurance that no Treaty or Condition of Peace would be finally settled without having Parliament previously called together," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

VISCOUNT PALMERSTON: Although, Sir, I cannot agree to the Motion of the hon. and gallant Gentleman, I am ready to admit that I entirely acquiesce in the principle upon which the Motion is founded—that is to say, the principle that no peace should be concluded which was not honourable to the country and consistent with the objects for which the war was undertaken. All I can say is, that if the House does not so far place confidence in the Ministry as to believe that they will never conclude a peace which does not accomplish this purpose, and fulfil these conditions, the Motion of those who entertain such suspicions ought to be very differently worded from that of the hon. and gallant Gentleman. I think, in matters of this sort, there is no middle course. If the House distrusts the Government of the day—if they think that it is capable of concluding a peace betraying the interests and sacrificing the honour of the country, they ought at once to propose a Motion, the tendency of which would be to place in other hands the trust which they consider to be improperly performed. But, on the other hand, so long as Parliament is willing to leave to those who hold office that discretionary power which, by the constitution, belongs to the responsible advisers of the Crown, I think that this particular Motion is one which this House would not be disposed to listen to. Of course, in the first place, the hon. Gentleman admits that the power of entering into treaties and negotiations, and concluding terms with foreign Powers, is a function which, by the constitution, belongs to the Crown, and not to Parliament. It is for Parliament to judge afterwards of the conduct of the advisers of the Crown, who may be supporters of engagements between this country and foreign Powers, whether for peace or war; but it is not possible, according to the working and principle of our constitution, that Parliament should co-operate with the Crown in the conduct of negotiations and the conclusion of treaties resulting out of those negotiations. It is well known that when Parliament is prorogued, the period of prorogation is limited in duration, and it is moreover in the power of the Crown, if it should think that it requires the assistance of Parliament, to summon it at a very short notice, and to have recourse to its advice or its aid. If, in the course of the autumn, or early in the winter, circumstances should arise requiring that Parliament should be assembled, I can assure the hon. and gallant Member and the House that the Government will feel it their duty, and not merely feel it their duty, but it would be glad to have recourse to the assistance of Parliament in any matter upon which its assistance and co-operation may be necessary. I hope that the hon. and gallant Member, having expressed, I won't say distrust of Her Majesty's Government—for I do not think that what he said implied, on his part, distrust, but a certain amount of fear lest a dishonourable peace should be concluded —and having called the attention of the House to the honour of the country, and having given a warning, if I may say so, to the Government to take care how they betray the interests of the country, and enter into negotiations inconsistent with its honour and future safety—I hope that, having done this, he will content himself with the warning so given, and permit the House to proceed with the other business.

Mr. MONTAGU CHAMBERS said, he rose simply for the purpose of noticing the noble Lord's suggestion that possibly Parliament would be called together earlier than the usual period. The Motion of the hon. and gallant Member for Abingdon was not quite correct, as he had passed the line of power which the House possessed. The division of the different privileges of the Crown, the House of Commons, and the House of Lords, ought invariably to be preserved. If the House passed beyond their line of division, they relieved the Ministers from most important responsibilities. He was glad to hear the noble Lord express himself as he had done, because he had given to all who desired to discharge their duties efficiently the plan by which they ought to be guided. The prerogative of the Crown was a great prerogative in the making of war or peace, and the responsibilities of the Ministers were great. He, for one, was not inclined to relieve them from those responsibilities, by assisting in those councils, upon the question whether they should advise the Crown to conclude peace or prosecute war; but the country was exceedingly anxious that Parliament should be assembled at an earlier period than usual. [*Cries of* "No!"] He did not wonder at the murmurs of hon. Gentlemen, because it was not very palatable or agreeable, but it was the fact that the country was exceedingly anxious to be assured that in the event of any emergency, such as occurred during the last recess, Her Majesty should be advised to call her Parliament together. If that assurance were given, the hon. and gallant Gentleman would probably withdraw his Motion.

Major REED was about to reply, but was called to order by Mr. Speaker, who said the rules of the House did not allow a reply in such a case. The hon. and gallant Member then said he would divide the House.

Viscount PALMERSTON: He must explain, that what he intended to say was, that it would not be consistent with the duty of Ministers to make any pledge as to what they would do under different circumstances, whether they would or not advise the Crown to assemble Parliament earlier than usual. If any occasion should arise in which, in the opinion of the Government, they should require the assistance of Parliament, then, undoubtedly, it would be called together.

Mr. DISRAELI said, it would be unfair in the hon. and gallant Gentleman (Major Reed) to go to a division. The Motion as it stood was really a vote of want of confidence in the Government, and it was not fair at the end of the Session that the great Conservative party should be entrapped into a vote of want of confidence by him. The hon. and gallant Gentleman was inclined to make concessions to the noble Lord, and seemed satisfied with the declaration of the noble Lord that he intended to do that which, under the peculiar circumstances, he thought best for the nation. Really the hon. and gallant Gentleman was too much excited by his success in that House. But a little time ago he brought forward a Motion pledging the Government of the noble Lord to a reform of Parliament. Now, that would seem to have been enough for one Session. And, therefore, it was too much to ask the Government of the noble Lord that Parliament should be called precipitately together. The hon. and gallant Gentleman, however, had to-night made an admission which proved to him (Mr. Disraeli) that the Government was falling more rapidly into decay than even was generally imagined, for the hon. and gallant Gentleman had acknowledged that the Government were but human.

But now let him ask the hon. and gallant Gentleman, was that his language a few weeks back? The hon. and gallant Gentleman said, he was the youngest Member in the House, a fact of which he (Mr. Disraeli) was not before aware. Well, but supposing he was, would he not have some regard for consistency? Why, it was only a few weeks ago that the hon. and gallant Gentleman described the Government of the noble Lord as "demoniacal," and, rising in his place, he addressed the noble Lord as a fallen angel, saying to him—

> "Arise! awake! or be for ever fallen."

Hence he (Mr. Disraeli) wished that the country should be made aware, at that the last hour of the Session, of what were now the opinion of an hon. and gallant Gentleman of Her Majesty's Government, which only a few weeks ago he described as being in possession of qualities almost infernal. He could only warn the hon. and gallant Gentleman, that if he should press his Motion to a division, he (Mr. Disraeli) would be placed in the awkward position of supporting Her Majesty's Government on a vote of want of confidence, the circumstances of which he wished his constituents and the country to be made aware.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

WAYS AND MEANS—ISSUE OF EXCHEQUER BILLS AND BONDS.

House in Committee.

THE CHANCELLOR OF THE EXCHEQUER: Mr. Fitzroy, notwithstanding the advanced hour of the night, I trust the Committee will allow me to explain the Resolutions which I am about to put into your hands, seeing that to-morrow will be occupied with a debate on another subject. It would not be convenient that the Resolutions should be brought under the notice of the House on Saturday, and if they were postponed until Monday the Session would be lengthened more than we wish to see it. If the Committee will allow me to proceed, I hope to be able, in a short time, to conclude the statement that I have now to make. In the financial statement of the year made in April last I estimated the entire receipts of the revenue for the year ending April next at 86,339,000*l.* That amount was made up of the estimated revenue for the ensuing year, of a loan of 16,000,000*l.*, and a Vote of 3,000,000*l.* for the prospective issue of Exchequer bills. [Mr. DISRAELI: That does not make 86,000,000*l.*] The estimated revenue from taxation from the ensuing year, the loan of 16,000,000*l.*, and the issue of 3,000,000*l.* Exchequer bills made together a total amount of 86,339,000*l.* That calculation holds good at the present time, with the exception that I estimated the amount of 200,000*l.* as likely to be produced from a stamp duty on bankers' checks, which I afterwards abandoned; and, therefore, the expected receipts of the year, as set forth in the Budget of the 20th of April, may now be taken at the reduced amount of 86,139,000*l.* The expenditure, including the loan to Sardinia, was stated at the same time at 80,899,000*l.* To this sum I added 1,000,000*l.* for the repayment of advances made on Exchequer bills for Ways and Means of the present year: these sums, making together 81,899,000*l.*, deducted from the present corrected estimate of the receipts (86,139,000*l.*), leave a margin of 4,240,000*l.* That is the margin of revenue over expenditure according to the estimate of receipts and expenditure as I stated it to the House in the month of April last. At that time, as the Committee are aware, this calculation was founded upon the estimates for military purposes which had been partially voted. The Vote for the Civil Service was not then taken. The Estimates for Civil Services, which had been partially prepared, I estimated at 6,500,000*l.* That branch of the expenditure has now received the sanction of the House, and the total sum voted for the Civil Services is 6,506,062*l.*, which agrees very nearly with the estimate I then made. But it has been necessary, as the Committee are aware, to submit an increased Estimate for the Military Services, in addition to those which had been agreed to by the House when I made the estimate of expenditure and revenue in April. The reasons for these increased Estimates have been explained to the House when the Votes were taken. It is an ancient observation that war does not consume according to rule and measure, and these Estimates which we proposed at the commencement of the year, after six months' experience of the war, have proved insufficient, and it has been necessary, therefore, to bring forward additional Estimates to meet the increased expenditure, as tested by the actual expenditure of the first four months of the year which have expired, and the amount of which has been ascertained. To the Estimates for military purposes originally voted, I have to add the Supplemental Estimates since agreed to, and I will now state the actual expenditure for military purposes during the four months including April, May, June, and July last. The amount of the original Estimates for the three purposes of the army, the Commissariat, and the Militia, were 16,221,197*l.* There has since been a Supplemental Estimate for the Commissariat, amounting to 2,568,335*l.* The total estimate for the Army, the Commissariat, and the Militia now stands at 18,789,532*l.* The actual expenditure which has taken place since the beginning of the present financial year under these three heads, in the four months to the 31st of July, 1855, was 4,850,000*l.* That sum has been actually disbursed, and that will give an estimated expenditure for the year of 14,550,000*l.* So that there is every reason to hope that the estimated sum will exceed rather than fall short of the actual expenditure of the year. The original Estimate for the Navy and the Transport and Packet Services was 16,653,042*l.*; the Supplemental Estimate was 2,725,971*l.*; making together 19,379,013*l.* The actual expenditure for these services since the beginning of April, has been 7,649,603*l.* If, as in the former case, we multiply this actual expenditure by three, we have a total of nearly 23,000,000*l.*, which is higher than the amount that had been estimated as necessary for the naval service of the year. It is hoped, however, that the expenditure during these four months is not to be regarded as any guide to the total expenditure of the year, but that the expenditure during the next eight months may fall short of the scale of expenditure for naval purposes during the earlier months of the financial year. The original Estimate for the Ordnance was 7,803,154*l.*, and there was a Supplemental Estimate of 841,138*l.*, making altogether 8,644,292*l.* The expenditure for the Ordnance during the last four months has been 2,812,961*l.*, and that amount, multiplied by three, gives a sum of 8,437,883*l.*, or something below the total Estimate formed of the expenditure of this department for the year. Then, under the head of "Vote of Credit" there is an expenditure of 1,200,000*l.*, the result being that the original Estimates for the year were 43,677,393*l.*, and the Supplemental Estimates 6,135,444*l.*, making a total of 49,812,837*l.* The total expenditure for military purposes during the last four months has been 16,512,564*l.*, and if we multiply that sum by three we have an amount of 49,537,692*l.*, which nearly agrees with the total Estimate for the year —49,812,837*l.* Having informed the Committee of the result of this comparison between the estimated and the actual expenditure, it now becomes my duty to propose the means of meeting that additional expenditure which has been sanctioned by the House since I made my financial statement early in the year. I then said that I should propose an additional Vote of 3,000,000*l.* of Exchequer Bills. I now propose to increase the amount of that Vote to 7,000,000*l.*, taking at the same time the option, in case it should be found advisable, of raising some portion of that amount by Exchequer bonds, instead of Exchequer bills. The margin which was allowed, according to my previous Estimate, was, as I have already stated, 4,240,000*l.* That margin assumed that there would be a Vote of 3,000,000*l.* of Exchequer Bills, to which I now propose to add 4,000,000*l.* of Exchequer bills; so that these amounts together will provide an excess of receipts over expenditure of 8,240,000*l.* Deducting from that excess of revenue over expenditure the additional Estimates for military expenditure to the amount of 6,135,000*l.*, there will remain an unappropriated margin of Ways and Means of 2,105,000*l.* If, therefore, the expenditure should amount to the sum already voted by the House, and if it should be necessary to resort to the entire grant of Ways and Means which I am now proposing, there will remain an unappropriated margin of rather more than 2,000,000*l.* sterling. It is always necessary that some margin should be left for unforeseen expenses, but in this case I think the Committee will be justified in not requiring the Government to provide any unreasonable amount of margin for such unanticipated expenses. We know the actual expenditure for the last four months—one-third of the entire year, and the portion of the year, probably, which includes those warlike operations that are attended with the greatest expense. With this experience, we are able to estimate with greater correctness the probable demands of the war during the remaining eight months of the year, and there is, therefore, the less necessity for providing a large margin of unappropriated Ways and Means in order to meet unforeseen contingencies. I may also state that, though I have provided a margin of 2,000,000*l.* sterling, it was necessary, at the beginning of the financial year, and before the first instalments of the loan were received, to issue a sum of money in Ways and Means bills amounting to about 1,700,000*l.*, which must be provided for out of the revenue of the year; and, therefore, although according to the calculation I have submitted to the Committee, we have an apparent margin of 2,000,000*l.*, nearly the whole of that amount may be regarded as already practically absorbed, and the plan I propose will in fact exhibit nearly an exact balance of receipts and expenditure. I should also add, as an additional reason for not providing any considerable excess of margin, that one object of making such provision is to meet the contingency of a deficient revenue. I am, however, happy to be able to state to the Committee that the receipts of the revenue during the first four months of the year have been on the whole satisfactory, and that, so far as a judgment can be formed from the amount of taxes actually received, it may be reasonably expected that the Estimate of their produce, which I submitted to Parliament in April last, will be fully realised. I have now merely to trouble the Committee with a short statement as to the amount of Exchequer bills at present outstanding. The proposition I have to submit to the Committee is that, instead —as I originally proposed—of taking a Vote of 3,000,000*l.* of Exchequer bills intended to cover the Vote of Credit of 3,000,000*l.* to which the House agreed this morning, that Vote shall be increased to 7,000,000*l.*, and that a power shall be given to the Executive Government of increasing to that extent the unfunded debt of the country. The amount of Exchequer bills outstanding on the 31st of July was 17,099,400*l.* There are also outstanding Exchequer bonds to the amount of 6,000,000*l.* at 3½ per cent, 2,000,000*l.* of which are payable in 1857, and the same amount in 1858 and 1859. Now, although that amount of unfunded debt may seem considerable, it is by no means large as compared with the amount of the unfunded debt during the late war, and even subsequently to the conclusion of the war. In 1812 the total amount of Exchequer bills in circulation was 41,000,000*l.*; in 1813 it was 43,000,000*l.*; in 1814 45,000,000*l.*; and in 1815—the last year of the war—it had risen to 57,000,000*l.* Even in the year 1818 the amount of Exchequer bills in circulation was 50,000,000*l.*; in 1819 it was 43,000,000*l.*; and up to 1839 the amount outstanding was never under 24,000,000*l.* Therefore, if the Committee should agree to add 7,000,000*l.* to the present amount of Exchequer bills, and if it should be necessary for the Government, in order to meet the exigencies of the public service, to increase the issue of Exchequer bills to that extent, the amount of Exchequer bills in circulation will not equal what it was for many years subsequently to the termination of the last war. I believe means can be found of replacing Exchequer bills to a considerable amount, without affecting the general market or influencing the rate of interest. Exchequer bills are now at a considerable premium, even those the interest upon which was slightly lowered at the beginning of the quarter, the premium has risen since the time when the reduction of interest took place. Under these circumstances, seeing that scarcely any other option is left to the Government, especially at this late period of the Session, as to the mode of raising additional Ways and Means, I hope the Resolutions I have to submit to the Committee will meet with their approbation, and that they will confer upon the Executive Government the power of increasing the unfunded debt to the amount proposed in order to meet the exigencies of the public service. The right hon. Gentleman concluded by moving the following Resolutions—

1. "That, towards making good the Supply granted to Her Majesty, the Commissioners of Her Majesty's Treasury be authorised to raise any sum of money, not exceeding Seven Millions sterling, by the issue of Exchequer Bills."

2. "That in case the said Exchequer Bills be not issued for the full sum of 7,000,000*l.*, then the Commissioners of Her Majesty's Treasury be authorised to issue Exchequer Bonds, bearing Interest at any rate not exceeding 4*l.* per centum per annum, to such an amount as with the total amount for which Exchequer Bills shall be issued will make up a sum not exceeding the whole sum of 7,000,000*l.* authorised to be raised by these Resolutions."

3. "That such Exchequer Bonds, if issued, shall be paid off at par at the expiration of any period not exceeding six years from the date of such Bonds."

4. "That the Interest of all such Exchequer Bonds shall be payable half yearly, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof."

5. "That, towards making good the Supply

granted to Her Majesty, there be issued and applied, to the service of the year 1855, the sum of 5,599,112*l.* 6*s.* 8*d.*, being the Surplus of Ways and Means granted for the Service of preceding years."

6. "That, towards making good the Supply granted to Her Majesty, the sum of 26,006,352*l.* 12*s.* 9*d.* be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

Mr. GLADSTONE: Sir, I have followed the statement of my right hon. Friend with much interest, and there is nothing in that statement to which I feel it my duty to object. Undoubtedly the variations between the Estimate and the expenditure upon the different branches of the military service are very considerable, but they are on the whole variations which we had every reason to anticipate. The result as regards the army is more satisfactory than as regards the navy and Ordnance, owing, however, to causes which are not perhaps altogether satisfactory. On the whole, I do not see that we have any right to complain of the calculations of my right hon. Friend with regard to expenditure. With regard to the mode in which he proposes to provide for that expenditure, I quite agree with him that the Committee may well feel disheartened at the great and sudden extension of the unfunded debt. Considering that debt as made up of Exchequer bills and Exchequer bonds, the change which has been effected in it has been very rapid, for only two years ago it stood at 13,000,000*l.*, and only fifteen months ago at 16,000,000*l.*, while after the Vote now proposed has been taken it will stand at a maximum sum of 30,000,000*l.* That is a very large sum, and although we may be referred to the much higher sum at which it stood in former years, we must bear in mind that the description of unfunded securities of which the debt consists is now subject to a great deal of competition in the market from circumstances which were unknown, or little known, during the last war; and, therefore, we have not the same broad field upon which to operate as those who preceded us. But I do not believe any great inconvenience will follow from carrying the unfunded debt to the amount proposed by my right hon. Friend, in case of need; and I do not see any other mode of providing for the present exigency, which, under the circumstances of the moment, it would be more desirable to adopt. There is one point to which my right hon. Friend did not advert, upon which I feel some anxiety, and although I do not intend to make any proposal with respect to it, I think it ought to be passed over in silence. My right hon. Friend proposed, almost as a matter of course, that the additional expenditure which he believes to be necessary should be provided for entirely by an addition to our debt, without raising any question as to an increase of the taxation of the country. It is necessary to bear this in mind, because the House set out at the beginning of the war with the full and firm intention of making great efforts to supply, as far as possible, the expenditure of the war by addional taxation. It would, of course, be impossible to carry this principle to extremes, but at the time my right hon. Friend brought forward his budget we had in view a certain proposition between that share of expenditure which was to be raised by loans and that share which was to be raised by taxes. My right hon. Friend then proposed that he should be enabled to impose taxes to the extent of about 5,000,000*l.*, and that he should be invested with a borrowing power to the maximum extent of 19,000,000*l.* Four months have elapsed since my right hon. Friend's proposal, and the balance then established has been rather seriously disturbed. First, there are certain deductions to be made from the proportion intended to be raised by taxes. My right hon. Friend has been obliged to abandon his proposal to lay a tax on bankers' checks from which he anticipated a revenue of 200,000*l.* A change which had previously been under our consideration has taken place with respect to the stamp duty on newspapers, and the House has made a further, although slight alteration, in my right hon. Friend's arrangement by making it necessary for him to propose a reduction of the duty on stage carriages. So far the four months that have elapsed have tended to diminish the proportion of the extra revenue which it was intended to derive from taxes, and although my right hon. Friend has told us that the receipts from the revenue are, on the whole, satisfactory, I apprehend that the receipts he so describes are the receipts from that portion of revenue which consists of direct taxes. The yield from the income-tax especially has been progressively, from year to year, passing beyond the estimates. But, as far as regards the new indirect taxation levied on imports and on articles of consumption, I am afraid that the receipts are not altogether so satisfactory as my right hon. Friend anticipated, but, on the contrary, that you may trace in the disposition to decline manifest in these two branches of revenue the effects of some diminution in your trade and in the consumption of your people. With regard to the money derived from taxes the tendency is to diminish, while with regard to the money derived from loans the tendency is upwards, for without any addition to our taxes we are now about to add 4,000,000*l.* to the expenditure required for the service of the year. This illustrates the necessity of making absolute and strong efforts if we really mean to effect any practical improvement in the policy pursued during the last war. That war was commenced with a system the most improvident—that of trusting entirely to loans, and making no provision by means of taxes, except for payment of the interest of those loans; but when our predecessors became aware of the consequences of their improvidence, even under increasing pressure of the war, they increased their efforts to meet their expenditure by taxation. We began pretty well, and I hope that we do not intend altogether to forget our good intentions, but are still convinced that the expenditure of the war, as far as is reasonable, ought to be met by taxation, and that we will not, therefore, as a matter of course allow additions to be made to our borrowed money without considering what is the proportion between such borrowed money and the money raised by taxation. I hope that my right hon. Friend will bear these observations in mind, and that when he next proposes a comprehensive arrangement for the service of the year he will remind us of the great additions we have made to his power of borrowing money, and enlarge his proposals for additional taxation. There is an extremely trivial source of additional revenue to which I wish to call my right hon. Friend's attention. I think it is desirable that he should lose as little time as possible in giving effect to the extension of the succession duty to corporations. In 1853 this subject was postponed on account of the pressure of business; in 1854 it was again postponed, because the working of the law had not sufficiently advanced to enable us to judge whether this Amendment would be required; but I had hoped it would have been in the power of the Government to bring the measure into operation during the present Session, and I trust my right hon. Friend will give us reason to expect that it will be carried into effect at the opening of next Session.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I did not undertake, upon the occasion of a Motion of my hon. Friend the Member for Lambeth (Mr. Williams), to look into the question to which my right hon. Friend has just adverted. I can assure him that I have not lost sight of the subject, but I am afraid, although it may be desirable on grounds of equity and justice to extend the same rule to corporations as to the owners of other property, that I cannot reasonably expect any large amount of revenue from this source. With reference to the subject of taxation, I can only say that the balance between taxation and loans had not, of course, escaped my attention when I submitted these Resolutions to the Committee, but the reason which principally guided me in making these propositions, and in not imposing any additional taxation, was the difficulty I should have had in realizing such new taxation within a limited period. Certain taxes are meant to be collected at the time when the Resolution respecting them is passed, but the period of collection of many others is postponed for six months, and it was important in making the propositions which I have laid before the Committee with respect to the remaining eight months of the year to provide Ways and Means which could be realised without delay. With reference to my hon. Friend's statements as to the unproductiveness of our indirect taxation, I must say that his apprehension appears from the figures which have been supplied to me not to be altogether well founded. The produce of the Customs during the last four months has been 7,599,000*l.*; the estimate of that produce which I submitted to the House last April for the current year was 22,400,000*l.*; and if the produce of the last four months be multiplied by three it gives 22,797,000*l.*, or about 300,000*l.*, more than my estimate.

MR. GLADSTONE: My observations applied quite as much to the Excise duties as to the Customs. I am afraid, however, that my right hon. Friend forgets that during the last fortnight—even since these Supplementary Estimates were laid on the table—people have had before them the prospect of the imposition of new import duties, and that, consequently, with a view of anticipating these as far as possible, a large amount of import duties has been entered which does not properly belong to the last four months.

Mr. DISRAELI: It is not my intention, Sir, on the present occasion, to make any remarks on the discrepancy between the right hon. Gentleman (the Chancellor of the Exchequer's) Estimates and the actual expenditure, nor do I think it convenient now to enter into any discussion as to the principles on which his financial system should be based. We have seen enough already to show us that the idea of being able to meet the expenses of the year, in a time of war, out of the revenue of the year, without borrowing, is rather a delusion. Besides a loan of 16,000,000*l.* we have already, in this brief space, increased our unfounded debt to the amount of 30,000,000*l.*, and in the face of these results, although I should be glad to hear from the right hon. Gentleman that he felt sure of being able to meet the expenses of the year with the resources at his command, still what has occurred does not impress me favourably in that respect. I do not clearly understand how far the right hon. Gentleman's present position is compatible and consistent with the engagement which I believe he entered into when the loan of 16,000,000*l.*, was negotiated, not to borrow any more money in the course of the present year. When the right hon. Gentleman asked for that Vote of Credit of 3,000,000*l.*, which is now to be followed by an additional Vote of 4,000,000*l.*, he told us that he did not expect to have to avail himself of that resource until the end of the month of December, and I am sure it would be satisfactory to the Committee to hear from him an assurance, now that he sees his way clearly, with the resources at his command, to the end of this year, so as to be able to fulfil the engagement into which he entered with the contractors, without, at the same time, trenching upon the resources afforded to him by this Vote of Credit.

The CHANCELLOR of the EXCHEQUER: The precise promise made to the contractors was, that no additional loan of the same nature as the loan then made—by an addition to the funded debt—should be contracted until the end of the present year. An express reservation was made with regard to any foreign loans which might be brought into the market. It was also stated that Exchequer Bills would be issued, and I believe the precise amount was mentioned, but at the same time, an intimation was held out that it would not be necessary to bring any large amount of Exchequer Bills into the market before the end of the present year. That hope I still entertain. I do not anticipate that there will be any necessity, either with respect to the 3,000,000*l.*, before voted, or the 4,000,000*l.*, additional which we now ask for, to bring any great number of Exchequer Bills into the open market until the month of December. I must not, however, be understood as distinctly engaging myself that, in case of necessity, the Government will not resort to that method of raising money. I only express my opinion that it probably will not be necessary.

Mr. DISRAELI. If the Government are satisfied that they have kept their engagements with the contractors I shall be the last person in this House to raise any objection. I must say, however, that nothing can be more impolitic than that the organ of the Government should hold out these loose anticipations, and should enter into engagements which he cannot be sure of strictly fulfilling. It would in my opinion have been much better that he should have negotiated the loan without any conditions of this sort—without attempting to make a better bargain by holding out vague promises which are liable to misinterpretation. Though I am perfectly willing to believe that the right hon. Gentleman has fulfilled his engagement, still he must admit that there has been an idea entertained, and with considerable foundation too, that he had entered into a contract such as I have stated.

The CHANCELLOR of the EXCHEQUER: I wish, Sir, to guard myself against the supposition that I entered into any loose or vague engagement. The answer I gave was carefully considered beforehand, after as precise a calculation of the wants of the Government and the means of borrowing money as the nature of the war would permit. It has always been the custom for those who engage to furnish a loan to ask the Government what are their intentions with respect to contracting any future loans, while the instalments of the loan then under discussion remain unpaid; and there has generally been an understanding of some sort entered into on the subject. I gave the most distinct answer I could consistently with the circumstances in which the Government was placed. I believe I have adhered most strictly to the understanding, and that I shall be able to observe it to the end of the year. It was distinctly intimated, however, that a case of necessity might arise which would make it impossible for the Government to abstain from this mode of raising money, but that that case of necessity would not be allowed to affect the funded debt.

Mr. GLYN said, he was glad to hear that the right hon. Gentleman the Chancellor of the Exchequer proposed to take power to issue Exchequer bonds, which were become a more favourite species of security than the Exchequer bills, especially since the latter had lost the great advantage of being receivable in payment of Government duties. He regretted that the right hon. Gentleman, when he raised his loan of 16,000,000*l.*, had not boldly asked for 20,000,000*l.* That sum would not have been too large, and it would have been a much better mode of raising the money than by issuing Exchequer bills. No one could blame the right hon. Gentleman for not attempting to impose new taxes, for the disturbance of commercial relations and the interference with the general operations of the country which such a proposition must have caused would have more than counterbalanced any advantages offered by that mode of raising money.

Mr. GLADSTONE said, he felt bound to give in his adherence to what had fallen from the Chancellor of the Exchequer with regard to his engagement with the contractors for the loan. No doubt it would be very desirable, if possible, to avoid giving any sort of pledge tending to tie the hands of the Government; but if such a refusal involved the necessity of giving a higher price for the loan, then the doctrine of convenience must prevail, and that course adopted which was plainly most advantageous to the public.

Resolutions *agreed to;* House resumed.

LIMITED LIABILITY BILL.

Order for Third Reading read.

Mr. ARCHIBALD HASTIE said, he rose to oppose the measure, which he looked upon as one of the worst that had been brought under the notice of the House of Commons for many years. He denied that the measure was based upon the principle of free trade. It was as its title declared, a Bill for limited liability, and anything that was limited could not be free. Under the Bill every tradesman in a country town might be ruined by capitalists, who would oppose them on the faith of limited liability. The effect would be to establish a monopoly of capital by which the small tradesmen would be driven out of the market. In London too there would be Italians, Jews, and Greeks who were all looking for such a measure, speculating against the ordinary traders.

Mr. THOMSON HANKEY said, that he must congratulate his right hon. Friend (Mr. Bouverie) upon the success of his measure. He hoped that it would pass during the present Session, because he was persuaded that the mercantile community would derive great benefit from it. It was most creditable to the Government that they had relieved the Board of Trade from all discretion as to the grant of charters of limited liability.

Mr. MICHELL said, he should oppose the Bill, and, as an instance of the inconvenience which occasionally arose from the application of limited liability, he would adduce the case of what are known as "scrip" mines in Cornwall.

Mr. CARDWELL said, he did not believe that the hon. Member for Paisley (Mr. Hastie) intended to divide the House; and, after the determination to pass the Bill which had been expressed, he thought the hon. Member exercised a wise discretion. He only wished that he could concur with the hon. Member for Peterborough (Mr. T. Hankey) in thinking that the Bill would be a valuable contribution to our system of commercial law. But, on the contrary, he believed it would tend to multiply a class of Companies in which the shareholders were always to be found when there were dividends to receive, but who, when things went wrong, would disappear, and nothing be heard of them. Under the Bill as it now stood there was no safeguard against that state of things, which might, *ad libitum*, be carried into effect—namely, that Companies might be established to any amount, who would call up all their capital, and, having thus fulfilled the requirements of the Act, then redistribute the capital among the shareholders in the shape of dividends or otherwise; and then you would have a body endowed with corporate powers with no assets and no legal liabilities, which could enter the market and get any credit it could by any means obtain. He considered that it was eminently dangerous to create bodies without assets or legal liabilities to entrap persons into granting them any amount of credit. Again, the measure having been brought in, it was essential that it should have been accompanied by a general reform and consolidation of the law relating to Joint-stock Companies, which was in a very unsatisfactory state, and which reform and consolidation he had intended to introduce when he proposed a measure of the nature now before the House. He also regretted that a subject so important as the present Bill should have been discussed at a period of the Session, when, although the preponderance of opinion had been expressed in its favour, yet when the whole number of Members assembled was inadequate to a fair and full representation of the commercial interests, and did not afford sufficient opportunity for such suggestions and amendments of the measure as would have made a good and useful law, for that there should be a change in the present law he always admitted, especially as regarded the present powers of the Board of Trade; but it was an operation which required the most serious care and deliberation on the part of the House, and he regretted that the Bill should have progressed thus far, believing as he did that it would be an instrument for the promotion of fraud, and believing also that it would not be long before other measures would have to be introduced to redress the evils which it would cause.

Mr. GLYN said, when the Bill was first committed, there were some restrictions which mitigated the evils incidental to such a Bill, but those restrictions had since been removed. A Company could now start without capital. The amount of the shares was reduced, and the clause was rejected by which additional liability was to attach to contributors and shareholders. The machinery for winding up was also removed from the Bill. The subject, he considered, was of such importance to the commercial body—affecting as it did such important changes, and being likely to produce such pernicious effects—that he trusted the question would have full attention when it reached the other House.

Mr. MASTERMAN said, if three or four people put a few pounds together they became a Company under the proposed Bill, and were in a situation to do incalculable mischief to the fair trader. He sincerely regretted the threats held out by the noble Lord at the head of the Government. He hoped the subject would receive proper attention when it reached the other House of Parliament.

Mr. BOUVERIE said, he was surprised at the language of the right hon. Gentleman the Member for Oxford (Mr. Cardwell), because he thought the right hon. Gentleman was favourable to the principle of the Bill. The right hon. Gentleman said there was no safeguard provided against a fraud such as he had indicated. But, in reply, he would say such a Company as that described was not likely to get a great deal of credit in the country. He denied the assertion that there were no safeguards in the Bill. If the Act was properly complied with, and Joint-stock Companies compelled to make proper returns, that class of frauds referred to would be done away with. Other hon. Members had expressed a hope that the Bill would receive another kind of attention from the other House; but he would express his thanks for the general support on both sides that had been given to the Bill, and he had no doubt with that support the Bill would go through the House and meet with a favourable reception in another place.

Mr. MALINS said, that he was very much surprised at the remarks of the right hon. Gentleman (Mr. Cardwell). The right hon. Gentleman would have the British public to believe that the people were such idiots that they would not know what the credit of these Companies was, when every name, every note, and every letter would have marked on it limited liability. He was surprised to hear the hon. Member for the City of London (Mr. Masterman) opposed to the Bill, on the ground that the whole system of business in the City would be changed by the measure. If the hon. Gentleman would look at the matter with an unprejudiced eye, he could not suppose that commercial affairs could be carried on, on a general system of fraud. He (Mr. Malins) was persuaded that the members of the legal profession supported the Bill because they believed its operation would tend to the protection of individuals, and not to the increase of litigation.

Bill read 3°, and *passed.*

CRIME AND OUTRAGE (IRELAND) ACT CONTINUANCE BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second time."

Mr. BOWYER said, that he must object to proceeding further with the measure, which was of a most penal and stringent character, and involved to a great extent the suspension of those safeguards which the constitution had provided for the liberty of the subject. It was a Bill to be justified only by considerations of a very grave and urgent character, and such he believed did not exist in the present instance. There was no more "crime and outrage" in Ireland at the present moment than there was in England, and the title of the Bill was therefore most offensive. Besides that the measure had been brought in with no sort of explanation or justification on the part of the Government; and, feeling that that ought not to be a mere Motion of course, and ought not to be acceded to unless an urgent necessity could be shown, he should certainly divide the House in opposition to the measure.

COLONEL DUNNE said, he fully agreed that nothing but a strong necessity justified the passing of a Bill of that nature. On looking over the calendars at the assizes, he found that the number of prisoners for trial was extremely small, and that the offences were not of a character to call for a Bill only applicable to a country in a chronic state of outrage. Neither was it, he thought, respectful to the House that a Bill of such a class should be proposed without any statement by the Government.

MR. HORSMAN said, he had intended to make a statement with respect to the measure. He very gladly and heartily bore his testimony to the tranquil state of Ireland. He believed no country in the world had made a greater progress in the last few years; but the Government were in this position, that there were less troops in Ireland than at any former period, and that they had been advised that, under all the circumstances of the case, this exceptional kind of legislation might be preserved in a modified form. With that view they proposed to withdraw the proclamation from all districts in which tranquillity prevailed, and he hoped that, by next Session, the Bill would be withdrawn altogether.

MR. DE VERE said, that although the right hon. Secretary for Ireland admitted the general tranquillity of Ireland, the preamble of the Bill distinctly stated that the prevalence of crime and outrage in Ireland called for strong measures of repression. He (Mr. De Vere) contended that the country was not in a state to call for the continuation of such a stigma upon the character of the people, and therefore he would oppose the further progress of the Bill.

MR. KENNEDY said, there was no shadow of an excuse for the continuance of the Act. He should, therefore, move that the second reading be postponed for three months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. COGAN said, he thought that, after the statement of the right hon. Gentleman (the Secretary for Ireland), it was very inconsistent to continue such a penal measure.

MR. BRADY said, that it was a very unconstitutional course to adopt such a measure, seeing that the people of Ireland were most loyal, he should therefore vote for the postponement of the second reading. It would create a feeling of discontent which did not now exist, and a grave responsibility rested upon the Government in pressing the Bill upon the House at the present time.

MR. MACARTNEY said, he should support the Bill. It was a protection to the lower class of farmers, and they would be extremely sorry to find that it was not re-enacted. The better course would have been to have made it perpetual at first, instead of it being necessary to continue it from year to year.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 42; Noes 19: Majority 23.

Main Question put, and *agreed to*.

Bill read 2°.

The House adjourned at half after Two o'clock.

HOUSE OF LORDS,

Friday, August 3, 1855.

MINUTES.] PUBLIC BILLS.—1ª Limited Liability.

2ª Customs Tariff Acts Amendment and Consolidation; Customs Laws Consolidation; Passengers Act Amendment; Turnpike Acts Continuance (No. 2); Turkish Loan.

3ª Chinese Passenger Ships; Lunatic Asylums and Regulations Acts Amendment; Court of Judicature (Prince of Wales Island); Turnpike Acts Continuance (Ireland); Office of Speaker.

MESSAGE FROM THE QUEEN.

Delivered by The LORD PRESIDENT, and read by The LORD CHANCELLOR, as follows:—

"V. R.

"HER MAJESTY, deeming it expedient to provide for any additional Expense which may arise in consequence of the War in which Her Majesty is now engaged against The Emperor of Russia, relies on the Affection of the House of Lords for their Concurrence in such Measures as may be necessary to make Provision accordingly.

"V. R."

Ordered, That the said Message be taken into Consideration on *Monday* next.

METROPOLITAN BUILDINGS BILL.

LORD WODEHOUSE *moved* to resolve—

"That as regards the Metropolitan Buildings Bill the principal Provisions of the same are to be carried into Effect under the Superintendence of the Metropolitan Board of Works, a Body proposed to be constituted under the Authority of the Metropolis Local Management Bill, still under the Consideration of this House, to which Measure this Bill is a Supplement, and was consequently delayed in its Progress through the Commons until the Provisions of the said Bill were finally settled; as certain Duties in relation to Metropolitan Buildings now performed by the Board of Works are transferred by this Bill to the Board proposed to be constituted as before mentioned, serious Inconvenience may arise if the Metropolis Local Management Bill should pass unaccompanied by this Bill, and consequently the Circumstances which render Legislation necessary on the Subject Matter of the said Bill expedient are of such Urgency as to render the immediate Consideration of the same necessary."

Agreed to; Bill read 2ª (according to Order), and *committed* to a Committee of the Whole House on Monday next.

PASSENGERS ACT AMENDMENT BILL.

LORD STANLEY OF ALDERLEY *moved* to resolve—

"That the passing of the Passengers Act Amendment Bill is rendered advisable in consequence of an Act recently passed by the Congress of the United States of America, by which new Regulations with respect to Ships carrying Passengers are made compulsory on all Vessels, British and American, which land Passengers in their Ports; this Act, only just received, delayed the Bill in the other House for the purpose of making Corresponding Regulations on the part of this Country applicable to British Shipping carrying Emigrants to America, and consequently the Circumstances which render Legislation on the Subject of the said Bill expedient are of such Urgency as to render the immediate Consideration of the same necessary."

Agreed to; Bill read 2ª (according to Order), and *committed* to a Committee of the Whole House on *Monday* next.

TURNPIKE ACTS CONTINUANCE (No. 2) BILL.

Moved to resolve—

"That inasmuch as the Provisions of the Turnpike Acts Continuance (No. 2) Bill are similar to those of the Turnpike Acts Continuance Bill passed by this House, and returned to the House of Commons, with Amendments, on 24th July, the peculiar Circumstances under which the said (No. 2) Bill has been sent up to this House make it reasonable that the same be allowed to be read a Second Time this Day, if the House shall think fit so to order."

Agreed to; Bill read 2ª (according to Order), and *committed* to a Committee of the Whole House on *Monday* next.

TURKISH LOAN BILL.

THE EARL OF CLARENDON: My Lords, I have now to move that this Bill, to give effect to a Convention between Her Majesty and the Emperor of the French, entered into for the purpose of guaranteeing a loan to be raised by the Turkish Government be now read a second time. This Bill, my Lords, has given rise to much discussion elsewhere, and objections have been raised against it which I must take the liberty of stating are, in my opinion, entirely unfounded. It is not my intention, on the present occasion, to enter into any lengthened defence of the Bill before your Lordships; but I hope in a few words to be able to show to you that it is neither an imprudent nor an unnecessary Bill, and that Her Majesty's Government in entering into the Convention referred to have done nothing more than act in perfect accordance with the general feeling of the country, which has been so frequently expressed in this and the other House of Parliament with respect to the present war—namely, that it should be carried on with the utmost vigour. England and France have made great efforts and great sacrifices in a war which they consider to be just and necessary, and which has been forced upon them by the ambitious policy and aggressive designs of Russia. Turkey upon her part, whose independence and integrity are not only threatened, but whose very existence as a nation is at stake, has also made a gallant stand against her enemy and has given proofs of vitality, and at the same time of devoted patriotism, which have astonished even those who had felt the greatest confidence in her power. But those efforts, by which Turkey has been enabled to collect together and to maintain in the field an army of upwards of 180,000 men, have been attended with its inevitable results, and Turkey, like England and France, but not sooner than they, has found it impossible, out of her ordinary revenue, to provide sufficient funds for the great struggle in which she is engaged, and the constantly increasing demand upon her resources. The Turkish Government have therefore decided upon doing that which, except upon one occasion, they have never done before, namely, to raise money from foreign sources. In that instance, the Turkish Government acted in a manner which reflects the highest credit and honour upon them. They did not appeal to the generosity of their allies—they asked neither for loan nor subsidy; and although well aware that it would involve a great pecuniary sacrifice, they determined to raise the additional resource upon their own credit; all that the Turkish Government asked of England and France was to certify, upon official information to be derived from Constantinople, that the agents sent to this country by the Sultan's Government were authorised to raise the loan. The Turkish Government proposed to raise a loan of 5,000,000*l.* The terms upon which a former loan of 3,000,000*l.* was raised, gave the Turkish Government, after deductions for commission and other charges, a net sum of only about 2,400,000*l.* and after the repayment of advances made by the French Government, Turkey received only 1,800,000*l.* When this sum was expended it became necessary to raise the remainder of the loan; but we found upon inquiry that it would be impossible to raise it upon terms at all adequate to meet the necessities of Turkey; and it is in order to enable the Turkish Government to become a more efficient ally for ourselves, to fortify her garrisons, and to keep her arsenals and dockyards well stored, that the French and English Governments have agreed to the Convention to which it is the object of this Bill to give effect. These were the considerations which actuated Her Majesty's Government to make the proposal which has been embodied in the Convention when the Turkish proposition was laid before them. It was not simply out of sympathy to Turkey for the efforts she had gallantly made in her own defence, nor because her cause was our cause; but we ourselves had to consider that while England and France with their armies and fleets were fighting the battles of Turkey it was necessary that she also should bear an efficient part in the contest herself, and that we could not afford that Turkey should remain paralysed by our side, useless, and even the cause of danger to us, as she would be if she could not effectually protect her frontiers and guard her fortresses from the want of an organised army. This army she could not organise and support by herself for want of means, and Her Majesty's Government and the Government of the Emperor of the French accordingly thought that it would not only be an ungenerous, but an unwise and short-sighted policy, to refuse to Turkey the benefit of their credit, by means of which she could obtain money upon advantageous terms. I know that many objections have been taken to the mode of proceeding which has been adopted. Some persons have thought that we should give no pecuniary assistance to Turkey, and that if we did give assistance it should be in the form of a direct subsidy; and a good deal of ingenuity has been displayed to point out the quarrels which would inevitably arise between England and France from the mode of guarantee adopted; and indeed, it is clear from these discussions, that whatever course Her Majesty's Government had taken fault would have been found with it in one quarter or the other. I do not mean to deny that the more preferable and simple method would have been that which Her Majesty's Government originally proposed, to the effect that each of the Powers should guarantee one half of the loan. But the French Government having represented the various reasons which they had for a joint guarantee, Her Majesty's Government thought it not right, nor friendly, nor necessary to insist upon their original proposition. The liability of both the Powers is therefore joint, and I am afraid I must say that some of the objections which are taken to this form appear to me to be founded upon doubts of the honour and good faith of France, and some remarks were made depreciatory of the probable conduct of the French Government in respect to their share of this loan. But upon the question of any doubt as to the honour and good faith of the French Government I consider it unnecessary to make any remark, and still more so when I recollect, and your Lordships also will recollect, that for more than two years, upon all the great questions which have agitated the public mind, which have involved the highest European interests, as well as the vital interests of England, we have cordially and implicitly placed confidence in, and have had reason to rely upon, the honour and confidence of the French Government. I am almost ashamed even to allude to the quibbles which it has been stated the Government of France might make use of in order to evade her share of the responsibility attaching to this guarantee. I trust your Lordships will be of opinion that this Convention furnishes ample security for the repayment of half the loan, should the liability ever fall on us in consequence of the failure of Turkey to meet her obligations. It is proposed, in order to make the obligations of the two countries more clear, that the bonds shall be signed by Commissioners from the Governments of England and France, and that these bonds shall recite the laws by which each Government has been empowered to guarantee the loan. The contingency of the fulfilment of the guarantee falling upon England and France will not, however, I believe, occur. No one will deny that the Turkish Government and people have always been actuated in their financial engagements by a high sense of honour, and that she has faithfully performed all the national obligations into which she has entered ; and it must also be remembered that the Turkish Government, unlike most European Governments, has no foreign debt, except that which has recently been contracted in this country. It has also no interior debt, with the exception of the paper money which circulates only in Constantinople, and the liabilities for which do not, I believe, exceed 500,000*l*. The revenue hypothecated for the payment of the interest on the loan is also amply sufficient for the purpose. The Egyptian tribute amounts to 280,000*l*.; that is to be sent direct to this country. Of this tribute, 210,000*l*. are already pledged to the payment of the loan recently contracted, leaving 70,000*l*. available for the new loan. The net produce of the Customs of Smyrna and Samsoon amount to 180,000*l*., and those of Syria, after making all deductions, to 100,000*l*.; this, with the balance of the Egyptian tribute, makes a sum of 350,000*l*. which is fully sufficient for the purposes of this Convention. Of course your Lordships would desire to be assured that the proceeds of the loan would be applied exclusively to the purposes of the war, though, no doubt, you would be of opinion that it would not be desirable that anything on that subject should appear on the face of the Convention. It will be satisfactory, however, to your Lordships to know that the Turkish Government take precisely the same view as Her Majesty's Government of the absolute necessity of the whole proceeds of this loan being applied solely and exclusively to war purposes, and are perfectly willing to accept from England and France assistance for regulating and controlling the military expenditure of the sum now about to be raised.

Moved, That the Bill be now read 2^a.

THE EARL OF ELLENBOROUGH: My Lords, I learn for the first time from the speech of the noble Earl that any person objecting to this Bill has impugned the good faith and honour of the French Government. I was not aware that any argument against the Bill upon that ground had been adduced by any one.

THE EARL OF CLARENDON: I merely said, that some of the objections raised to the form of the guarantee appeared to point to such an opinion.

THE EARL OF ELLENBOROUGH: This is the first time I have heard that the smallest doubt of the honour and good faith of the French Government had been entertained by any one. I entirely dissent from the opinion of the noble Earl, and contend that the opposition which the Bill encountered in another place originated in a spirit of friendliness towards France, and in a desire to maintain intact, and in full force, the good understanding existing between the two countries. I believe there were those among the opponents of the Bill who are avowedly against giving Turkey assistance for the purposes of war, but there were none among the opponents of the Bill who desired to cast any suspicion on the good faith of the French Government. My Lords, for myself, I have no doubt of the honour and good faith of the present Government of France, and I will say that no one can feel more strongly than myself the necessity of giving financial assistance to Turkey in this war. I do not feel or express this opinion now for the first time; for it is sixteen months since I privately suggested to the Duke of Newcastle that pecuniary aid should be given to Turkey, especially for the purpose of putting in movement troops in the neighbourhood of Erzeroum. I felt that there was no object more important for this country than the giving of pecuniary assistance to Turkey to enable her to utilize her own resources and to put her army into a condition to occupy the field, and to defend her fortresses. I am not hostile to the principle of subsidies. On the contrary, I think that the principle of subsidies is unobjectionable, and it is to the occasional misapplication of the principle that just objection is taken. What, then, is the principle of subsidies? The principle, as I understand it, is, that it is expedient for us to put in motion by giving pecuniary assistance, a very much larger force, composed of the natives of the country with whom we are allied, and a much more effective force, than by the same pecuniary means we could employ of our own. In that principle I see nothing objectionable. I am old enough to recollect when armies in Europe were maintained by means of subsidies, in 1814 and 1815, and without such aid it would have been impossible to obtain the assistance of those troops to effect the great objects which were required to be attained. I can recollect those subsidies being questioned in respect to their policy; but it is a matter of great doubt whether the objections taken were well founded; and it seems to me to be beyond doubt that the emancipation of Europe was owing in a great measure to the subsidies granted towards the conclusion of the last war. With regard to Turkey, it appears to me that it was not only desirable from the first to give financial assistance to that country, but that it is especially important to do so at the present moment; for it is impossible not to feel that we are placed now altogether in a different position by the recent defection of Austria. It is of the greatest possible importance that we should enable Turkey to form a disciplined army. It is of the greatest possible importance that we should enable her to fortify the Bosphorus and Constantinople. To that object I attach the highest importance. In making another Sebastopol of Constantinople we should afford a much greater security for the independence of Turkey against Russian aggression than any that could be provided by any probable settlement of the third point. If, in addition to fortifying the Bosphorus and Constantinople, we place at the disposal of the Turkish Government a numerous and well disciplined and well equipped Turkish army, the Turkish question is settled, and we need not be under any apprehension with respect to Turkey from Russian aggression. I feel satisfied in my own mind that if there be a chance of the resuscitation of the Turkish Empire, it is through the army, and the army alone, that that object is to be accomplished. It is very well to talk of civil reforms in Turkey; but the great reform required for Turkey is military reform. Create a soldiery, establish the dignity of the military character, and, depend upon it, you then would have a greater security than you have ever had yet, and such as you can never otherwise obtain, for the institution of good civil government in Turkey. There is this great difference between a subsidy and a loan—that, though both give equal support for the present, a loan has an effect upon the future. Now, what we should do is, not to give Turkey protection for the present only, but to impart to her intrinsic strength to enable her to protect herself for the future. The present loan, however, is not the only loan which will be required; other loans must follow, and if continual assistance is to be given to Turkey on the same principle, if every year another and another portion of her revenue is to be severed from her—if we go on constantly anticipating her resources, we may no doubt by the expenditure of great sums strengthen her for the present, but in the same proportion we weaken her for the future—we create for her, and for Europe and ourselves, new difficulties and dangers; and therefore it is that I greatly prefer a subsidy to a loan; because the former is a direct, obvious, and intelligible proceeding, and because I cannot entertain the hope that Turkey will be able permanently to defray the interest of this loan. There is this great advantage, too, in a subsidy, that when you give money you may see to its application, and though I do not mean to cast any doubts on the intentions of the Turkish Government, yet, whatever may be their promises, they are surrounded by persons so actuated by a spirit of avarice and peculation, that, to suppose this sum would be really and honestly applied without peculation to the purposes of the war alone, is to suppose a thing almost beyond hope. Seeing, then, the difficulties and objections attending on the particular mode in which it is proposed to give this pecuniary assistance to Turkey, I undoubtedly, if I had been a Member of the House of Commons, should have voted in the minority on the Bill, and I should have done so without the slightest apprehension of disturbing the good understanding existing between England and France, for I should have placed reliance on the good sense of the Emperor of the French. I know he is as well acquainted with the peculiar working of our constitution as we are ourselves, and perhaps better than some of us, and he would clearly have understood that the opposition to the measure was not founded on any hostility to the continuance or vigorous prosecution of the war, but on a ground of which he must have felt the weight and importance himself—namely, the possibility in future times of the arrangement creating difficulties between this country and France. It is not only a good understanding with the present French Government that we have to consider. This loan must remain in operation, even if the sinking fund be regularly paid, for forty years. We have to provide for all that time at least; and in the course of the last forty years there have been in France four dynasties and one republic. In the last twenty-eight years there have been in this country thirteen Governments (to ten of which, by the by, Lord Palmerston has belonged), and I do not know how many more there may be before the next three years are over. There may be, then, some ground for apprehension, when we are exposed to the chance of such a variety of Governments, that there may not always be the same conformity of views in reference to acting under this treaty. If I wished to divide two dear friends or brothers, I could not devise a more certain mode of doing so than by inducing them to become joint guarantees of a loan raised by a man not likely to pay. During the course of their lifetime disputes would most probably arise, and though their brotherly friendship and devotion to each other might prevent differences, what security is there that in the case of their sons or grandsons the disputes arising from such a guarantee would be conducted without rancour and bitterness. I do not like the terms in which this treaty is framed, and, above all, I do not like the special reference to the branch of the revenues of Egypt and Syria; I would rather that the security should depend on the general revenue of Turkey, than that reference should be made to the specific revenue of these two countries. But this treaty points to a peculiar security: — now, every one knows that Egypt is a country the very mention of which excites feelings of jealousy of a peculiar character, not with Frenchmen only, but with Englishmen also; I, therefore, deeply regret the mention of that country in the treaty. But this is a separate as well as a joint guarantee; and let us see what may be the result of such a compact. If it be a separate as well as a joint obligation, there must be also separate as well as joint rights. If Turkey should fail in paying, it is not the two countries only conjointly that can serve her with a summons to pay or threaten her with measures of compulsion; but each State reserves to herself a separate right of action. If Turkey fails, we should pay the interest in the first instance, and then France will honestly repay us—of that I have no doubt;—but France might then go to Turkey, and say, "I am injured by your defalcation, and I desire that you shall repay me, or, if not, I shall take care to secure the revenues of Egypt and Syria, and shall begin by taking possession of one or both countries for the purpose of controlling the payment of these revenues." That is a contingency which may not and will not occur now, but then we are legislating for at least forty years to come. Already I look with dread to this arrangement, which is only a precedent for other arrangements that must be adopted in subsequent years — arrangements that may involve Turkey in future weakness, and may lead to serious disagreements on the most tender and delicate points between this country and France. My Lords, I have already stated that I thought the defection of Austria made the case very much stronger for assisting Turkey at the present moment, and I must shortly detain your Lordships to consider some questions relative to the policy and conduct of Austria, that I think of no little interest. My Lords, it is very remarkable that from the commencement of the difficulties between Turkey and Russia, from the commencement of the interference of the allies between these two Powers, there has been a constant tendency to approximation between the relations of Austria and the allies up to the signature of the treaty of the 2nd of December; but from that period, or shortly subsequent to the 2nd of December, there has been a similar tendency to divergence between the relations of Austria and those of the allies. So great a change must have had some cause; and what was that cause? When Austria signed the treaty of the 2nd of December, she was perfectly well acquainted with all the difficulties which surrounded the British and French arms in the Crimea. She knew of Balaklava and Inkerman—of the hurricane of the 14th November and of the horrors which would attend a winter in the Crimea —she knew well when the treaty of December was signed that our military affairs in the Crimea were at the very worst. From that moment till now they have been, generally speaking, improving—although, as I shall show your Lordships, that improvement has not been so great as the country had a right to expect; yet, during that period, there has been a constant increase of the divergence of Austria from the cause of the allies. From the moment when we had a right to expect that Austria would have been one at heart with us, from that moment we experienced a contrary feeling. That cannot have arisen from any discovery Austria may have made of her financial difficulties. Count Buol knew as well on the 2nd of December the financial difficulties of the Austrian empire as he did subsequently; he knew also the amount of its army, and that that army must be maintained at the same point for a considerable period; and it was under a knowledge of these things that the treaty of the 2nd of December was signed. There has been no change of Government in Austria; there has been no change in the Foreign Minister of this country, and there is no reason to suppose that the noble Lord opposite has not, since the 2nd of December, conducted the affairs of the Foreign Office with the same ability and zeal that have distinguished his tenure of office throughout. Financial considerations cannot, therefore, have been the reason of the change in the policy of Austria. What, then, was the cause of this change? Is it that Austria thought she had obtained all that was necessary for her own interests and those of the German States associated with her, in the concession by Russia of the first and second points at the Conferences at Vienna? If so, the decision at which they have arrived must have been founded on the most shallow grounds, which it is possible to conceive. Of this I am satisfied, that till the Principalities are made perfectly neutral States, Germany has not obtained all the advantages which she could obtain from a diplomatic settlement of the question; and I am certain also, that until a narrow strip of territory upon the north bank of the Danube be separated from Russia, she will not have obtained the security for herself and for German interests which is indispensably necessary for her safety and future prosperity. But, my Lords, cannot these statesmen, who are always talking and writing, but never acting, see that it was really the third point which was required to be conceded in order to secure the other two. I trust that these Governments will at some time, and that before long, recover something of that understanding for which the great German Empire was once famed, and feel something of that military ardour which animated them in former times, and not allow themselves to be surrounded, like a fly in the toils of the spider, disgraced while it is devoured. I have already alluded to the improved condition of our army; I cannot help stating my conviction, that the state of our army is not yet satisfactory. There has been a pulling down and subsequent reconstruction of our War Department. Without knowing the minute details of this alteration, I think it would have been much wiser, during the war, to have confined ourselves to giving the Secretary at War absolute authority over subordinate departments, to apply a remedy where obvious abuses existed, and to have rested satisfied with that without proceeding to make extensive and material alterations in several departments of the army. This is the course which has always been adopted in India with great success. The Governor General there has the entire army in his own hands. I will call the attention of the noble Viscount opposite (Viscount Canning) the future Governor General of India, to this as a matter well worthy of his serious attention. The head of the Government in India has entire power and authority in all matters relating to war. His order runs through all the departments, and is implicitly obeyed. This has been found perfectly sufficient. No one thinks of opposing him—the order of the Governor General being issued in the name of the State—and the manner in which those wars has been conducted has invariably been conducive to success. There appear to me to be many difficulties connected with the new arrangements in the War Department. The Secretary for War has now accumulated on his shoulders all the duties of the Secretary at War, the Commissary General, and the Master General of the Ordnance. Then, as to the Clerk of the Ordnance, it is idle to suppose that Mr. Monsell, or any probable Clerk of the Ordnance who is is not a military man, can rightly control all the military science and art that come within his province. It is contrary to reason to suppose that Mr. F. Peel, clever though he may be for what I know, is a person to whom the Secretary for War can apply for advice in any great military operation. The Under-Secretaryship of the War Department is held by a civilian. Wherever the Secretary for War looks there is no one military man, except the Commander in Chief, and he is an opposition rather than a concurrent authority, to whom to apply for an official and confidential opinion on any military operation. There have been great deficiencies, too, in respect to the conduct of the war in many respects, and not the least of these has been the neglect of proper means for the recruiting of the army. By the economical, but niggardly, course which has been adopted by the Government, the services of thousands of men from the militia have been practically lost to the country. The noble Lord (Lord Panmure), at a very early period, issued a notice to the militia which, under the circumstances, could not be avoided, but he accompanied it with so niggardly a proposition to the men to reattest that he has probably lost many thousands of militiamen by that one unfortunate act of bad economy. I see that a Vote of 139,000*l.* has been taken for disembodied militia. What is the use of a militia at the present moment unless it is embodied? Mr. Sidney Herbert said, with the most perfect truth, that until militia regiments were embodied there was no probability of any great number of recruits being obtained from them, and the more useful recruits are certainly obtained from regiments embodied than from regiments in a disembodied state. We have to-day a Bill upon the table to suspend the ballot of the militia, but no means of applying fiscal coercion, which has been found effective in former times, are adopted. We have the original bounty adhered to, and the consequence is, that the ranks of the militia are not nearly full. What has the noble Lord done with respect to the regular army? He came down here one evening and announced, as if the thought had suddenly struck him, his determination to give a prospective shilling, which was to be put into a savings' bank, and handed over, with accumulations, to the soldier when he retired from the service, and we were led to believe that at an early period there would be a proclamation of Her Majesty to make it known to the army. But a few days afterwards, having communicated the matter, I suppose, to his colleagues, who possibly were of a different opinion, he came down to the House, he threw over altogether the prospective shilling, and he gave a present sixpence—that is, he said he would, but up to the present time I have not seen any official notification that even the sixpence will be given; and I know no paymaster will pay sixpence on a speech of the noble Lord. It must be something more effective than a speech of the noble Lord to justify even that small outlay, and I apprehend, up to the present moment the sixpence has not been officially granted. That is a very serious thing. There is a great difference between an offer and a promise. It was an offer to the militiaman—it was a promise to the troops in the Crimea. The prospective shilling and the present sixpence were equally promised to the troops in the Crimea, but I understand nothing has been done officially to fulfil that promise—no vote certainly has been taken for it in the House of Commons. There are other things of importance besides the question of finding men for the ranks of the army. The questions of greater importance are, where the army shall be placed, how it shall be equipped, when it shall be moved, and where it shall be moved? I have, from the very first, earnestly, but fruitlessly, endeavoured to impress upon Her Majesty's Government and the House the necessity of attending to the war in Asia. When news arrived last year of the defeat of the Turks, in front of Kars, General Williams was sent out, and he has now with him three officers, and but three officers. That, I believe, is the only assistance which has been given in Asia; and those officers are obliged to work all day, overlooking the fortifications, and to go out all night to the outposts, because there are no persons on whom they can rely for the performance of those important duties. I say that is a great neglect. It is a neglect of the interests of Turkey and of the allies, for you may depend upon it, if once Russia is in possession of Erzeroum she will hold that place, and Turkey in Asia and Persia also will be at her command, and she will have gained as much as she will have lost if you should capture Sebastopol. Moreover, my Lords, there was a Turkish army in the Principalities in an effective state, with ample cavalry and means of moving, under the command of Omar Pacha. That army detained upon the Pruth a large Russian army. We transported that army into the Crimea, where it is almost utterly useless. It cannot move, and all armies that cannot move are useless and worse than useless—they are but idle garrisons. Of that great army 35,000 men are at Eupatoria, watched by 2,000 cavalry. Even if they had the means of moving they would not be as efficient as where they were before, and would not occupy a force half so large as if they were placed on the Pruth. Observe, my Lords, the serious consequence of the defection of Austria. The Pruth would give us a most convenient line of operations if we could rely on the friendship of Austria, but this defection of Austria deprives us of that advantage. And now, what is the condition of the army before Sebastopol? All that the noble Lord does is to send in detachments, one after another, all the raw recruits that he can raise, to add to the number of troops in front of Sebastopol. The army in front of Sebastopol at the present moment, if it took the field, and had the means of movement, would beat any army which Russia or all the Powers of Europe could bring against it; there is nothing that could resist an army of 170,000 men so composed as that is; and it would be capable, whence once in the field, of obtaining the assistance of the 35,000 Turks at Eupatoria. There are 200,000 men, or a larger army than was ever engaged in any battle, not merely in the memory of man, but, unless we believe the extravagant legends of antiquity, than in any battle even of antiquity—there are 200,000 of the finest and bravest troops, stimulated to the highest pitch by national rivalry, utterly lost where they are. They are unable to move. They are shut up in front of Sebastopol. From six weeks to six weeks there is a bombardment, followed, I regret to say, generally, by some fatal assault. The progress made is little, and no one at the present moment can reasonably look forward to anything but the continuance of that army in the Crimea during another winter, *re infectâ*, and that, too, at the end of sixteen months' operations, and an enormous expenditure of blood and treasure. I look with apprehension at these things as affecting our military reputation and the prospects of the war, and as affecting, at no great distance of time, the public feeling in this country, and the position of all men engaged in the management of public affairs. When we meet in November we may possibly again see the noble Lords opposite occupying those benches; but unless there be a very material change in our military prospects at that time, you—the Members of the Government—may depend upon it that the very first operation of the House of Commons will be to put you out, as it put out Lord Aberdeen. But by whom will you be succeeded? Up to the present time the people of this country have shown the most admirable spirit, the most admirable constancy, in bearing the necessary burdens and sufferings imposed by this war upon them. Their conduct has been far beyond hope, and is beyond all praise. But it is unreasonable to expect from the people of this country perseverance under continued and unmerited disappointment; and we may confidently predict that the successors of the noble Lords opposite will not be men selected in the hope that they can carry on the war better, but men to make a peace, which, after an ill-conducted war, must be insecure, and may be disgraceful.

Lord PANMURE: My Lords, after the speech of the noble Earl, and the reference he has made to the army before Sebastopol — remarks for which I must say I was scarcely prepared—I feel bound, in one or two sentences to notice the observations which have fallen from the noble Earl. I will not follow the noble Earl in what he has said of the policy of the particular measure to which he first addressed himself. In many of these remarks I entirely concur; but there are some from which I must take the liberty of differing, and particularly that in which the noble Earl stated that he had learned to-night for the first time that, in discussing this matter in another place, doubts had been thrown upon the good faith of France. The noble Earl stated that, although some improvement had taken place in the condition of the army before Sebastopol since last November, yet that it was not in so satisfactory a condition as he could wish it to be, either in respect to the state of the army or with respect to its position. The noble Earl has also stated that the militia has been improperly managed. He complains that there is a Bill on the table for suspending the compulsory powers of raising the militia, and he says, that by the niggardly course pursued by me in re-attesting the militia many thousands have been lost to the ranks. It is quite true that, owing to the unfortunate discussions in this House, many of the militia—I will not say many thousands, but some thousands—were lost for a time to the service of the country. But the services of these men are not entirely lost, for they are still bound to serve for fifty-six days next year, and they are, therefore, still available for the ranks of the Queen's army; and many of them, notwithstanding that they have now repaired to their homes, will, I hope, be induced to join the Queen's service in the course of that time. With regard to the recruiting for the Queen's army, I may be permitted to say that, considering the state of wages and of employment in this country, the spirit of the youth is beyond all praise in joining the Queen's service. Recruiting for the Queen's army is now going on at the rate of 60,000 men per annum—a number far exceeding anything to which we attained in the last war, and attained, too, without any compulsory enlistment whatever, the ballot for the militia never having been yet put into force. For myself, I should be very sorry to see the ballot put into force. I think that such a measure, instead of giving vigour to the desire of the youth of this country to engage in the service of the Queen, would have had a directly contrary effect. I would rather encourage the voluntary efforts of the country by all the means in our power than resort to compulsory means of enlistment either for the army or navy. But the position of the army before Sebastopol is not what the noble Earl has stated. The noble Earl says he has, on former occasions, urged the inexpediency of placing our army where it is. That, of course, is matter of opinion, but I think that the army of France and of England being where it is, it would be inconsistent with the honour of England and of France, if, before that fortress has yielded to their arms, they were to leave their position. It requires a very strong army to conduct that siege, and another strong army to conduct those external field operations which the noble Earl has pointed out. It requires, above all, great caution and great prudence in moving an army in the Crimea, where, if you have all the means of land transport, the circumstances of the locality with regard to the supply of water and forage render it extremely difficult to procure these indispensable articles; but, although the means of transport of the army are in a greatly improved condition, I very much doubt whether, upon the whole, on the system observed in these modern days of carrying the number of comforts that are expected to be carried with troops, we should ever be able to move a large army, with the means of sustaining, not only the army itself, but the very great company which attends it, by means of its transport corps. These are questions of doubt, and it may be of difficulty. Be this as it may, however, if it should be resolved that that army shall take the field, I am confident that we shall be able to move it with far less difficulty than we could have done some time ago, and that we can certainly move it with far more convenience both to itself and the public service than in any former time. My Lords, in reference to the position of affairs in Asia, I must say that I regret this as much as the noble Earl. But Turkey is in that quarter able to maintain herself against her enemy, and I should have some hesitation, considering the difficulties to which I should expose Her Majesty's troops, in placing them in that part of Asia where the Russian troops now are. The noble Earl has threatened Her Majesty's Ministers in the month of November with a visitation of public opinion. Whenever that visitation of public opinion shall come I shall endeavour to meet it, feeling certain in my own conscience that I have done all that lies in me in protecting the forces of Her Majesty in the arduous services in which they are engaged, by looking forward to secure that, if they are fated to remain another winter on the shores of the Crimea, they shall escape many of those difficulties which were unavoidably incidental to the first winter spent in camp, by collecting as far as possible all the supplies which the army may require, such as food for the men, forage for the horses, and other provisions of every kind. I shall, therefore, be prepared to meet that visitation of public opinion, if it should come, with the full consciousness of having done all that I am able to do at present. But, my Lords, the noble Earl has said that in the administration of the War Department, Her Majesty's Government has thrown too much upon the Secretary of State for War, and he points out that this has been an improper period at which to remodel that War Department. To a certain extent the noble Earl is no doubt right, but in other respects the opposite course would have been not less objectionable. It is beyond all doubt that, in so far as those departments are concerned to which we had to look for the supply of the great military stores that might be required, they were in a very faulty and inefficient condition. I must say that the details of deficiencies in the military stores might have been alarming had I not been able to place in the department of the Ordnance men by whom all difficulties have been cleared away, and by whose skill and industry I can state, without contradiction, this country has been placed in a position to supply all the materials of war in a manner that removes all anxiety I might have felt on that head. It may be difficult and arduous to conduct two such departments as those of War and the Ordnance together, but I feel that in all the departments of the Ordnance I have military men under me upon whose skill, ability, and industry I can rely, and from whom I can derive all the information I require. When I state that in matters regarding fortification I can refer to Sir J. Burgoyne, that in matters relative to artillery I can refer to General Cator, and that I have also the benefit of the services of other officers of distinction, I think I am justified in carrying on the Administration of the department in full reliance upon those who are under me. It is quite evident that the reform of the military departments must be a work of time; but I believe that if, in consequence of the influence of any change in public opinion, it should be my fate to hand over to the noble Earl (the Earl of Ellenborough) the War Department of this country, I should leave him sufficient information for his guidance upon all matters of detail, both with regard to the financial Administration of the army, and to the Administration of those departments which provide the material of the army, and which furnish supplies by means of the Commissariat. With regard to the extra allowance to which the noble Earl referred, I may state that no proclamation is required to give effect to it; that field allowance can be granted simply by means of a Royal warrant, giving to the men that which, under a Royal warrant, officers now enjoy. The warrant will be submitted to Her Majesty for signature in a day or two, and will take effect from the 1st of July. It will be announced to the army after it has received the signature of Her Majesty, and I know it will be accepted by them, and I believe it will also be regarded by the public, as a fair recognition of the services of those brave men in the field, and as a just reward for the willingness and courage with which they have suffered the hardships and encountered the dangers to which they have been exposed.

THE EARL OF HARDWICKE said, there was one feature in the debates on this subject to which he could not help adverting. There had been a disposition on the part of the Government, both in their Lordships' House, and in another place, to throw upon some party (it was not clear upon whom) of those who were opposed to them the odium of an exhibition of want of confidence in the faith and honour of our great ally. A more serious imputation could hardly be thrown out, and it was one which he (the Earl of Hardwicke), upon the part of those with whom he acted, repudiated in the strongest possible way. Of all nations upon earth, the French were, perhaps, the most chivalrous, and the least likely to palter with good faith and honour. But in all monetary transactions between man and man, or between nation and nation, it was not a matter of honour, but of business; and it was usual, setting all considerations of that kind aside, to treat it as a matter of business so far as regarded the securities or guarantees to be given on the one side or the other for the fulfilment of their engagements, and it was on that ground only that the mode in which the agreement with France was entered into that had been questioned, and it should be recollected that the measure involved this country in pecuniary liabilities which might last for forty years. The noble Earl (the Earl of Ellenborough) had spoken of the condition of the army and the manner in which the war was conducted, and had said much in which he (the Earl of Hardwicke) heartily concurred, and which, therefore, it was unnecessary to repeat. The noble Earl had very truly said, that in which he (the Earl of Hardwicke) particularly agreed, that it was a great misfortune we should have attempted to take Sebastopol at Sebastopol. We should have taken Sebastopol by taking the Crimea—the one would have been the necessary consequence of the other. But, as it was, he (the Earl of Hardwicke) had given his best attention to the war; and especially that portion of it in which, as a naval man, he might naturally be expected most to understand—its maritime operations; and he must say, as he had asserted from the outset, that there had been in those operations a want of that activity and earnestness which might have been expected from a great maritime Power. He knew that as to the officers in the command of the fleets, or of the ships which composed them, there was no fault to be found either with their knowledge, their courage, or their skill; and, therefore, he was obliged to conclude that the mode in which the operations had been conducted must be attributed to orders received from some other quarters; and that the commanders had not been free to conduct the war in the way in which they thought fit. ["Oh, oh!"] The noble Duke (the Duke of Argyll) cries "Oh, oh!" Does the noble Duke feel the force of my remarks? I believe they are founded on truth, and I assure your Lordships that they are not made from party spirit. Why, the other day there was an expedition to the Sea of Azoff, which he (the Earl of Hardwicke) had often suggested, and 16,000 men were detached to take Kertch, an operation which was conducted with the greatest vigour and with perfect success. But no sooner had we knocked our man down than we set him up again! The operations seemed to have been all at once brought to a dead stand-still; the expedition returned to Sebastopol, and no more was heard of any expedition to the Sea of Azoff. [Viscount CANNING: It was all done.] The noble Lord the Postmaster General says it was all done. My Lords, I say it was not all done. There is a great deal more to be done there. Why did not the gunboats and launches enter that sea in which it was believed that there was a considerable Russian flotilla. But nothing had been heard of any further operations, and the troops were brought back to Sebastopol. It would have been, again, a great advantage for a naval force to have moved about the Russian coasts, creating diversions at Odessa or Kaffa. He could not understand why the fleet, which had the means of embarking and disembarking large bodies of men, was allowed to remain inactive before Sebastopol instead of at least distracting the attention of the enemy by menacing and molesting his coasts. Time had been given to the enemy to put Odessa in a position to resist any attack, and not even a *reconnaissance* had been made of Nicholaieff and its ship-building yards. Not long ago something was heard of our ships having shelled Sebastopol at night, but nothing more had been done in that way, yet it was a service which could be performed very easily by our fleet at night; and 13-inch mortars could be used at sea with more effect than on land. We might have employed our old colliers in this service, and sent a hundred of them, each with a 13-inch mortar, to shell the town at night. Such were some of the shortcomings of our naval service in the Black Sea. In the Baltic he (the Earl of Hardwicke) had never thought that any great maritime operations could be attempted with success against the principal strongholds of Russia? But after having fitted out (or talked of fitting out) a considerable flotilla of gunboats and large mortar-boats, with a view to attacks upon the Russian fortresses, we have not yet heard even of the common guerilla warfare against various points on the enemy's coasts for which such a force was adapted. The people of this country were led to expect great things in the Baltic. The Government had dismissed their admirals, too—dismissed them one day, and decorated them the next—and had appointed a new set of commanders; for what purpose? The public believed that a change of commanders meant a change of measures, and that great things were to be done. But whatever might be done in the next month, up to this time nothing had been done. Under these circumstances the Government must expect people to be discontented. The public had been led to expect a great deal, and had been disappointed. Were they to continue to be disappointed? Well as they had hitherto behaved, if they were to continue to be disappointed it could not be expected that they would cheerfully continue to pay taxes and support a Government whose measures only resulted in failure. Hopes had been raised by large and expensive armaments; not long since some iron-sided batteries, which were to grind the Russian fortresses to powder, had been fitted out at great expense; but they had proved utter failures as sea-going vessels, quite dangerous to manage, and the utmost that could be hoped now was that they might reach the Baltic Sea. A large sum had been expended, public expectations had been raised to a high pitch, and they had been disppointed. It would have been better had the Government taken some distinct course, and not expended large sums of public money on vessels which only rendered us ridiculous. Let our naval operations be conduted on some distinct and consistent plan, for which our ships should be adapted. If a blockade was all that was intended, and we were only to fight the Russian fleet when it quitted its strongholds, our expeditions should be fitted expressly for that object, instead of wasting our money upon showy armaments that were really worthless. Such a system the country could understand and appreciate. In the Baltic it might be advisable to confine ourselves to blockading the enemy's larger ports, and carrying on a guerilla warfare upon his coasts. But in the Black Sea our navy might do much. In those waters there appeared to have been some unaccountable drag placed upon our commanders, rendering our fleet a mere blockading force before Sebastopol, and almost entirely useless for maritime operations.

EARL GRANVILLE: My Lords, I for one have never doubted the perfect honesty with which the noble Earl who has just spoken always addresses the House; but, while I admit that it is not unnatural that he should embrace every opportunity of discussing our naval operations, and that the noble Earl near him (the Earl of Ellenborough) should do the same with regard to the army, yet I must remind your Lordships that the Bill now before you has simply for its object to render some financial assistance to our ally, the Sultan of Turkey. I confess that I hardly think much good is derived from these desultory discussions of our military operations in this House. In the first place, they involve many points into which it is impossible for Her Majesty's Government to enter. The noble Earl asks a series of questions, why certain things were not done, and why others were done. To some of these questions I have a perfect answer, but that answer it would not be prudent to give; to others I have not the least idea what reply should be made, except that I have a firm conviction that good reasons exist for the course that has been pursued, and that it is not any want of energy, courage, or foresight, that prevents Admirals Dundas and Sir Edmund Lyons from taking the particular measures referred to. When, however, the noble Earl (the Earl of Hardwicke) darkly alludes to certain mysterious impediments, which he thinks have been thrown in the way of these gallant commanders doing what he himself boasts that he warned us could not be done—such as the running of our ships up against stone walls—and further contradicts himself by telling us that, although there are particular things which it is impossible for our fleet to perform, yet that it is ready to attempt anything, and that there is nothing on earth which it is not capable of executing. I really put it to my noble Friend whether he will assert that he believes there is anything either in the views entertained by the Government, or in the instructions which they give that hinders our Admirals from undertaking plans that they themselves deem advisable. I shall not say one word more as to our military operations; but, my Lords, I have heard to-night with heartfelt satisfaction the noble Earl's cordial disclaimer of any intention, in the arguments used by any party opposed to this Bill, to cast the slightest reflection on the honour either of the Emperor of the French or of the French nation. The topics urged in another place, evidently pointing to difficulties in the way of France fulfilling its engagements through any change of Government, or other circumstances, certainly led me into an error in this respect; and I therefore accept the present disclaimer with sincere pleasure. I cannot, however, quite agree with the noble Earl when, speaking for the party with which he is connected, he says that they contented themselves with merely questioning the form of the guarantee proposed to be undertaken in behalf of Turkey. When that party came down to vote in the other House a few nights ago, somewhat suddenly, and only by the defection of some of its Members saved the Government from being placed in a minority, they certainly adopted a singular mode of attesting their desire to strengthen the Government for the vigorous prosecution of the war. Disavowing the sentiments of the peace advocates, and also those of the Gentlemen who had lately joined that party, the body who made large professions of their anxiety to stimulate the Government into making greater exertions than they had yet done, nevertheless participated in a vote involving imminent risk to Turkey as regarded the raising of the loan, and also calculated to endanger our alliance with France. The noble Earl says the Emperor of the French knows the working of our Constitution better than we do ourselves, and perfectly understands the meaning of this vote. I cannot allow that that is any justification for the course that was taken. If the Emperor has studied the practice of our Constitution, he will have learnt that when the nation has intrusted the Government of this country into the hands of certain men, in a great crisis, and when the House of Commons, by repeated decisions, has expressed its unwillingness to dismiss the Ministers from their places, he has a right to expect that he shall not be thrown over upon every arrangement which he may make with us—that he shall not be left in the lurch by that Executive which is supposed to have the confidence of the country; and that, by means which I am sure the noble Earl himself will not entirely sanction, the power of that Executive in carrying on the war with energy shall not be weakened by those who at the same time profess themselves eager for a vigorous prosecution of the contest.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Monday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, August 3, 1855.

MINUTES.] PUBLIC BILLS. — 1° Militia Pay; Exchequer Bills (£7,000,000); Consolidated Fund (Appropriation).
3° Fisheries (British Islands and France).

RETIRED ALLOWANCES TO IRISH POOR LAW INSPECTORS.

On the bringing up of the Report on Supply.

SIR FRANCIS BARING rose to call the attention of the House to a Minute of the Treasury, dated the 23rd of February last, granting retired allowances to certain Irish Poor Law Inspectors. He had no wish in doing this to introduce any personal remarks with respect to the merits of the particular individuals who had received these allowances. Though small in actual amount for the present year, the sum which was granted in the shape of retired allowances altogether was very considerable. In one estimate it stood at 200,000*l.* a year; but that was only a part of the entire amount, and unless care and attention were given to the manner in which these allowances were granted, the charge would by and bye become a most serious one. Upon this occasion he laboured under some difficulty, for he hardly knew whether he ought to call upon the present or the late Chancellor of the Exchequer to give an explanation of the Minute; for the Minute was dated the 23rd of February, and he believed that on the 21st of that month the late Chancellor of the Exchequer resigned his office, and was really, though not technically, out of office on the 23rd, and that the present Chancellor of the Exchequer did not assume office until the 25th or 26th; so that the Minute had slipped through the Treasury in the interval, and he (Sir F. Baring) was, in fact, going against an imaginary Chancellor of the Exchequer. These retired allowances had been granted, not under the Superannuation Act, but under certain Treasury Regulations. In 1835 the subject of retired allowances was referred to the Sinecures Offices Committee, who, in their second Report, recommended that the scale of the Superannuation Act should be the scale adopted in granting retired allowances, and that no allowance should exceed that scale, unless in special cases; they also recommended that the Treasury Minute should state the special circumstances under which the allowance was made, and be laid upon the table of the House of Commons. These recommendations had been adopted by the Treasury. Let the House now see what were the allowances granted to the gentlemen to whom he had referred, and how far they were justified by the Treasury Regulations; he should then call upon the Treasury for an explanation of their reasons for deviating from the usual course, and to say how they intended to act for the purpose of preventing such mistakes, as he supposed he must call them, in future. By the returns ordered in June last, on the Motion of the hon. Gentleman below him (Sir D. Norreys), it appeared that one gentleman, the salary of whose office had been 700*l.* a year, and who had served fifteen years, had a compensation granted to him of 400*l.* a year, although, if the Treasury Regulations had been carried out properly, he would have received but 175*l.* a year, instead of a sum which was within a few pounds of what he would have been entitled to under the regulations after forty years' service. That was one case. There was another nearly the same, with this difference only—that the gentleman receiving the retired allowance had served sixteen years instead of fifteen. A third case was that of a gentleman whose salary was 700*l.* a year, who had served only seven years, and whose retired allowance was 300*l.* a year; but by the regulations of the Treasury he would not have been entitled to anything unless he had served ten years, and he would not have received the 300*l.* a year as retired allowance until he had been from twenty-four to thirty-one years in the public service. Another case was that of Colonel Clarke, with regard to which it was stated in his memorial that his health had broken down from exposure to night work. This being so he (Sir F. Baring) would not comment upon the case, for there might be special reasons for excepting him from the general rule. Of course the Treasury knew the facts, and were the best judges of them; but Colonel Clarke had certainly received a retired allowance for eight years' service, to which, under the regulations, he would only have been entitled after thirty years' service. The last case to which he would refer was that of a gentleman who had been in receipt of a salary of 500*l.* a year; he had served only three years, and the retired allowance of 250*l.* a year granted to him was what he would have been entitled to only in the event of his having served thirty years. The total of the maximum of what these several gentlemen would have received under the regulations was 350*l.* a year between them; whereas the Treasury had awarded 2,800*l.* between them. Now, these were cases which he thought required explanation; because he could not find that any special reason had been stated for those allowances being granted on a different scale from the usual one. The Minute was not in virtue of an Act of Parliament, but was merely a Treasury Minute, and on looking at it he did not find that there had been any Report, according to the usual practice, upon which the Minute was founded. The inconvenience of the rule laid down was so glaring that he did not believe the Lords of the Treasury could have read it without making a remonstrance against it. The Treasury Regulations directed that the special reasons for granting these retiring allowances should be set forth in the Treasury Minute; but no one reason was given, or attempted to be given, in that Minute except in Colonel Clarke's case. He complained, moreover, that the Minute had not been laid upon the table of the House in accordance with the Regulations of the Treasury. He could not comprehend why these cases had been treated specially. Were the offices permanent? Not at all. If retired allowances were given to officers who had a right to expect permanent employment, the Treasury considered that their expectations should be satisfied; but it so happened that the officers to whom he now referred had been appointed under a temporary Act of Parliament, and what was more, they had not paid any deduction under the Superannuation Act. He had compared their cases with the cases of officers who received compensation under the Superannuation Act and not only did they receive infinitely more than would be granted them under that Act, but they had never paid a sixpence of deduction; so that, instead of their cases being exceptional, they were really entitled, upon every ground, to much less than officers under the Superannuation Act. He believed he had said enough to show that the cases to which he referred were irregular, and he should be glad to have an explanation from the Treasury, not only as to the cases themselves, but with regard to the general practice of the Treasury, so that the House might know if the necessity was to continue for keeping a sharp look-out upon the Treasury in future.

Sir DENHAM NORREYS considered the whole affair one of the most unjustifiable he had ever known. The question was a very serious one of Administrative Reform—how could it be expected that the ordinary Civil Servants of the Government would be inclined to show any energy in the discharge of their duties, when such gross favouritism was shown to a particular class of officers, and when they saw that one class of public servants was thrown aside, and another class was pensioned in a most extravagant manner? He had moved for the returns and for a copy of the Minute to which the right hon. Baronet had referred, for the purpose of showing that gross injustice had been done either to one or another class of public servants. Either the Poor Law Inspectors in Ireland had been very much over-rewarded, or the paymasters of the constabulary had been very much underpaid. The latter had a right to believe that their services would be permanent, while the Poor Law Inspectors had no right to expect any such thing; yet the paymasters of the constabulary force, whose services had exceeded fourteen years, received an annual pension of only 42*l.*, while the Poor Law Inspectors, whose services did not exceed seven and eight years, were in the receipt of a compensation allowance of 300*l.* a year.

Mr. MACARTNEY felt that great credit was due to the right hon. Gentleman (Sir F. Baring) for having brought the subject before the House. The civil servants of the Crown in Ireland had for years past complained of the practice adopted in granting retired allowances.

it was considered that they had been given on unequal terms, and that an unjust distinction had been made between persons with and persons without political influence in conferring them. He trusted the right hon. Gentleman would in the next Session take the matter in hand, and move for the appointment of a Committee to inquire into the whole system of granting these allowances. By so doing he would confer great good alike on the country and the public service.

MR. WILSON said, he wished to make one remark upon the statement of the right hon. Baronet (Sir F. Baring), as to this Minute having slipped through a sitting of the Lords of the Treasury between the retirement of the late Chancellor of the Exchequer and the appointment of the present Chancellor of the Exchequer. No person could misunderstand what the right hon. Baronet intended to insinuate. It was evident that he meant to insinuate that the passing of the Minute was an act of his (Mr. Wilson's). But no one ought to know better than the right hon. Baronet, from long experience, that the passing of a Minute by the Treasury was not done in a day. Weeks and even months were sometimes required before a Minute was determined upon. The insinuation, therefore, was both unfair and unjust. The right hon. Baronet also knew that the only alternatives contemplated by the Superannuation Act were old age and incapacity from ill health. When however a man's office was abolished while he was still young and in good health, but before he had had time to make provision for himself, the subject required to be dealt with on entirely different principles. In the Superannuation Act there were certain clauses not connected with the general scheme of the Act, referring solely to payments on the abolition of offices, and in those clauses ample authority was given to the Commissioners of the Treasury to make allowances to persons whose offices were abolished, but such person was at all times liable to be appointed to any other public office for which his previous services rendered him eligible. This reduced the matter to a question of policy, and hence each allowance stood upon its own grounds and upon its own merits. Thus, in one of the cases where the salary was 500*l.* and the retiring allowance was 250*l.*, the party to whom that sum was granted had given up his profession in order to take the situation, which was abolished shortly after his entering upon it. The House should bear in mind how many different considerations entered into different cases; the Treasury had to weigh the circumstances under which persons entered upon the service, the professions which they had given up for that purpose, and the time and manner of the abolition of their office. They had in every case taken the greatest pains to act justly both to individuals and the country; the amount, however, which ought to be awarded in various cases might be viewed in a different manner by different parties. All he could do was to show to the House, as he had done by reference to the clauses of the Superannuation Act, that the Treasury had the authority to do as they had done, and if further proof were requisite, he might refer to the report of a Committee of that House, in which the authority of the Treasury had been distinctly recognised as having existed from time immemorial. In reference to the present case, it was well known that when Sir John Young was Secretary for Ireland he proposed to effect a reduction in the expense of the Poor Law establishment in that country, and he did so to the extent of between 11,000*l.* and 12,000*l.* a year; but there were certain officers whose engagements were such that he could not in honour remove them without granting them an allowance. The arrangement proposed by Sir John Young had been since carried out without any alteration whatever. In the course of this year there had been a reduction in the estimates in relation to this item of not less than 6,200*l.*

SIR FRANCIS BARING said, that in describing the Minute as having slipped through the Treasury at the time that there was really no Chancellor of the Exchequer in office, he had not the slightest intention to throw any imputation on the hon. Gentleman the Secretary of the Treasury.

MR. WILSON could assure the right hon. Baronet that, so far from the Minute having slipped through the Treasury, it had been the subject of long consideration and discussion before the change in the office of the Chancellor of the Exchequer took place.

MR. FRENCH contended that great injustice had been done to the paymasters of the Irish constabulary, and expressed his opinion that the Irish Poor Law Inspectors had not the slightest claim for retiring pensions. He trusted that a Committee of inquiry would be granted next Session, and that justice would be done to all parties.

The Report of the Committee of Supply was then *agreed to.*

ORDER OF THE BATH—NAVAL OFFICERS—EXPLANATION.

SIR CHARLES WOOD requested the permission of the House to explain some words which he was supposed to have uttered on Monday last, and which had caused some pain to the hon. and gallant Member opposite (Admiral Walcott), to whose feelings they were all desirous of paying deference. He had hoped that in the observations which he addressed to the House the other evening, when resisting the Motion of the hon. and gallant Gentleman, he had succeeded in his desire to avoid anything which could give offence to, or hurt the feelings of any one. He had, however, received a letter from the hon. and gallant officer, who seemed to think that he (Sir C. Wood) had said something which was disparaging to the gallant Gentleman's professional character. The words attributed were—"but as the service in question had not been thought worthy of a distinctive mark of honour at the time—a quarter of a century ago—he must decline to accede to the Motion." He had informed the hon. and gallant Officer by letter, and he now declared publicly, that he was perfectly convinced that he never had used those words. He had referred to several of those organs through which the public were made acquainted with the proceedings of that House, and he found no such words attributed to him. He could not have used those words, because the reason assigned by them was not that which led him to resist the Motion. His reason for objecting to the production of the papers asked for was because he did not think it was desirable for that House to interfere with the distribution of honours which ought to proceed from the Crown alone, as being the fountain of honour.

OPERATIONS IN THE BALTIC — CAPTURES — RIGHTS OF NEUTRALS — QUESTIONS.

On the Question that the Order of the Day be now read,

MR. MILNER GIBSON said: Sir, I rise to put a question either to the right hon. Baronet the First Lord of the Admiralty, or to the noble Lord at the head of the Government, as to the mode in which the Government are carrying on the war in the Baltic. I have seen it stated in the public papers that Admiral Dundas, about the latter end of May or the beginning of June, issued a proclamation containing what purported to be instructions from the Government to the effect that it would be his duty to capture merchant vessels carrying on trade in the Gulf of Finland, being the property of Russian subjects, and that in cases where such vessels appeared to be of small value and not worth sending home for condemnation in a prize court, the instructions were to destroy such small and comparatively valueless vessels. Now I want to ask the right hon. Baronet the First Lord of the Admiralty whether such instructions have really been issued, and if so, whether it is competent for the Executive Government to empower an Admiral to decide upon the property in the captured ship, or whether such decision ought not in all cases to be left to a court of competent jurisdiction—whether in short the question whether the ship is to be destroyed should not be decided by a court, just as if it were dealt with as a prize, it is necessary that it should be decided by a court whether it is to be condemned or not? I want to ask the right hon. Gentleman whether such instructions as I have alluded to have been issued?—And also, whether the Government have carried out the intention they have publicly proclaimed of respecting private property while in the harbours of the enemy, and of vessels not engaged in trade with the enemy, or laden with cargo? That is one question. A second question I am anxious to put, either to the right hon. Gentleman or to the noble Lord, is, whether any communication has been made by the Government of the United States to the British Government in reference to the rights of neutral ships? I hold in my hand the last Message of the President of the United States to Congress, in which he says that—

> "A proposition embracing not only the rule that free ships make free goods, except in the case of articles contraband of war, but that neutral property other than contraband on board enemy's ships should be exempt from confiscation, has been submitted by this Government to the Governments of Europe."

I want to ask whether any treaty or convention to that effect is under the consideration of the Government? The President also goes on to say—

> "that should the leading Powers of Europe concur in the proposition, as a rule of international

> law, to exempt private property from seizure by public armed cruisers as well as by privateers, the United States will readily meet them upon that broad ground."

Now I desire to know whether the Government have taken into consideration the propriety of entering into a convention with foreign countries, for the purpose of adopting such regulations as a part of international law?

Sir CHARLES WOOD: With regard to the last question which the right hon. Gentleman has put, I do not feel myself competent to give him an answer. I may add, that I am not aware that any such proposition has been made—at all events, no such proposition has been brought under the general consideration of the Government. As to the first question, the order issued to our cruisers acting against the enemy in the Baltic, as elsewhere, is in the ordinary terms to take, burn, and destroy; and in executing those orders a due discretion must always be exercised by the officers in command, as to the most effectual mode of carrying out the object with which they are charged, namely—to put an end to the trade of the enemy. With regard to the further question, I have to state that the order is not confined simply to vessels under sail, or actually navigating, but extends to those which might be used at a short notice for that purpose. It would be absurd to suppose that because a vessel was lying in harbour, or at anchor, under such circumstances she was not liable to be taken and destroyed just as much as though she was under sail. All coasting vessels belonging to the enemy are liable to be taken and dealt with as prizes, or destroyed, as best suits the convenience of the cruiser by which they are captured. Thus in the recent operations in the Sea of Azoff, the officers in command of our cruisers sacrificed large sums of money, which they would have been entitled to as prize money, by destroying vessels rather than capturing them and sending them home for condemnation, because they believed that by taking that course they were best performing the service required of them. But with regard to small vessels that were not likely to be used in conveying merchandise to foreign places, or supplies and stores to the enemy—and the greater part of the vessels taken and destroyed in the Baltic have been vessels actually employed in conveying stores to the works at Cronstadt—with regard to the smaller vessels not so employed, or likely to be employed for that purpose, they have been permitted to pass. I have already laid upon the table papers relative to the proceedings at Hango, and to the vessels which have been captured and destroyed, and if the House will allow me I will read two paragraphs from those papers, which will show how the coasting vessels are generally dealt with:—

> "Sixth October.—Captured a small schooner, partly laden with salt. Destroyed the schooner, and took the salt on board. Ninth—Captured another vessel—a small sloop; but finding that she was not engaged in trade, and that she belonged to a very poor person, let her go."

Now I apprehend the discretion necessarily rested in the officers commanding our cruisers was properly exercised in both these instances, in accordance with the intent of the Government instructions.

Mr. MILNER GIBSON: Am I to understand that the jurisdiction of the Court of Admiralty is superseded, and that it is for the Admiral in future to decide whether the vessels captured are Russian property or not? Are such vessels not to be carried home to be judged by the proper tribunal whether they are lawful prizes or not—or is the Admiral to decide both as to the ship and the property in her?

Sir CHARLES WOOD: I am not sure that I correctly understand my right hon. Friend's question. No officer is justified in destroying a neutral vessel, but he is justified in destroying an enemy's vessel if he thinks it necessary to do so. He must exercise his judgment as to whether he will destroy or not. It is nonsense to say that he must send home every captured vessel for adjudication in a prize court.

EXCLUSION OF SOLDIERS FROM THE STRANGERS' GALLERY.

Colonel NORTH begged to put a question to the noble Lord at the head of the Government which was interesting to every Member of the House. It was their privilege to give tickets of admission to the strangers' gallery. The day before yesterday two soldiers were in the hall, one belonging to the Royal Artillery, and the other a private soldier of the 17th Lancers. The artillery soldier had upon his breast two medals, and appeared to have been severely wounded. They were both anxious to obtain a seat in the gallery, and he gave an order to the artillery soldier, and his hon. Friend below him (Mr. Stafford) gave an order to the other man. It was, therefore, with great regret, mingled with no little indignation, that he saw the doors of the House closed against those two gallant soldiers. They were excluded for no other reason than because they had on the uniform of Her Majesty—a uniform which ought to be honoured by all, and which was respected and feared by every country of the world. He did not know in what the rule for the exclusion of soldiers—if any such existed—originated, but he was sure that the House would feel that it was high time that such a rule, if it existed, should be done away with. He was sure that no one would feel more than the noble Lord the necessity of relaxing the rule in favour of soldiers who came unarmed into the House.

Viscount PALMERSTON said, that the House had always thought right to exclude from its precincts persons who were armed; but he apprehended that no distinction could be drawn in regard to the persons who should be admitted founded upon the form or colour of their clothes:—and most certainly he should apprehend that it never could have been intended that the soldiers of Her Majesty's army, merely because they were in the service of the country and wore the uniform of Her Majesty, should be debarred from the privilege which was accorded to all other Members of the community, in regard to admission into the strangers' gallery of the House of Commons. He was not, however, aware what regulation existed upon the subject. Upon that point the Speaker was a far higher authority than he could pretend to be; and perhaps the right hon. Gentleman would inform the House whether there had been any Resolution with respect to it which would require to be rescinded, or whether the matter was one entirely within the discretion of the officers of the House, so that nothing more would be required than an intimation of opinion conveyed to them by the Speaker, and which would be received as a direction of the House.

Mr. SPEAKER: There is no rule of the House recorded in the Journals which would exclude soldiers from the strangers' gallery, nor do I at all see why they should be excluded. But very many years ago, exception was taken to soldiers appearing in uniform in the gallery, and some conversation occurred in the House, in consequence of which it was understood that they should not be admitted except in plain clothes. That practice had prevailed some years, and of course, the officers of the House felt it their duty to carry it out, until they received contrary directions. There can be no objection to the admission of soldiers in uniform unarmed, and he would give directions in accordance with what appeared to be the wish of the House in this respect.

Mr. A. STAFFORD said, that if he rightly understood, soldiers might be admitted hereafter in uniform, so that they did not carry arms. He must do the Sergeant-at-Arms the justice to say that he regretted the arrangement which was in operation, but he felt himself bound to obey it. He saw himself that the soldiers in question were not armed, but he felt a difficulty about their admission. One of the soldiers, seeing the sword of that officer, asked whether he was going to the Crimea.

Mr. FRENCH observed, that the objection to which allusion had been made was taken by one of the friends of the people, a former Member for Westminster, Sir Francis Burdett.

ATTACK ON MALAGHEA—QUESTION.

Mr. BRIGHT rose to put a question to the noble Lord in reference to the recent transactions on the coast of Africa, to which he had once or twice before alluded. The noble Lord had, he believed, laid upon the table the papers for which he (Mr. Bright) had asked on the subject, but they had not yet been circulated amongst Members. Would the noble Lord now allow him to ask whether it was the intention of the Government to institute any special inquiry with regard to these transactions, which had led to the slaughter of four or five hundred native Africans and about eighty of the troops of this country? He would not trouble the House with going into details, because the case was before them; but he was able to state that, in the opinions of persons connected with the trade between this country and the West Coast of Africa, these transactions were fatal to their trade. And as this slaughter had taken place, he wished to urge on the noble Lord to adopt some mode of ascertaining how such occurrences were to be avoided, and the laying down some line of policy by which they could be prevented. If the noble Lord could give an answer to that effect it would afford great satisfaction to a number of persons interested.

Viscount PALMERSTON said, the papers had been laid on the table, and were being printed, and the subject was under the consideration of his right hon. Friend the Secretary for the Colonies. The papers were rather bulky, and till there was an opportunity of looking into them it was impossible to say what steps should be taken.

Mr. BRIGHT said, as there would be no further opportunity of saying anything on the subject, he hoped the noble Lord would give a pledge that some specific inquiry into the matter should take place. It was impossible not to see that somebody or the other must be deeply culpable with reference to the transaction, but a promise would give great satisfaction to a number of persons.

Viscount PALMERSTON said, that before promising that he must ascertain whether the papers gave all the information which was necessary to enable his right hon. Friend to come to a decision, and in his anxiety to place them in the hands of Members they had been sent to the printer's before he had time to give the necessary attention to them. He believed that they would contain all the information required, but if they did not, and more was necessary, further inquiry would be made.

Mr. BRIGHT hoped he would not be considered pertinacious, but the noble Lord told them many things which might be interesting, but were not the things which were asked of. Would the noble Lord cause an inquiry to be made into the matter? If he would not, let him say so. He would not bring the matter more fully before the House, which he might do by moving the adjournment to Monday; but when 500 persons had been slaughtered he had a right to put a question on the subject. What he wanted to know was, whether the noble Lord would take steps to prevent such occurrences in future?

Viscount PALMERSTON thought he had answered the question of the hon. Gentleman. What he meant to say was, that it was possible the papers contained all the information necessary to enable the Government to come to a decision, but if it turned out that they did not contain all the information, there would be further inquiry. He did not know that he could say any more.

AUSTALIAN STEAM COMMUNICATION.

On the question that the Report of the Committee of Ways and Means be brought up,

Sir JOHN PAKINGTON rose to ask the Secretary of the Treasury whether any arrangements had yet been entered into by Her Majesty's Government for renewing steam postal communication with the Australian colonies; and whether any or what answer had been given by Her Majesty's Government to the address from the Legislative Council of Victoria, in which they offered, on the part of that colony, to contribute 50,000*l.* per annum towards the cost of steam communication with England? He wished a clear and full explanation from the Government. The colonists of Australia naturally felt very anxious that steam communication with this country should be resumed; and it was extremely important to the interests of both countries that it should be. He had put questions on the subject before, but the answers were not satisfactory, nor were they identical with those given to similar questions in another place. It was time, therefore, that the Australian colonists should be fully informed of the intentions of the Government in this respect. The matter became more important upon reference to certain papers which he understood were in the hands of the Secretary of State. He had put a question as to these papers to the noble Lord the Member for London; but the noble Lord said he had not been able to make himself master of their contents for want of time.

Lord JOHN RUSSELL had said the papers had only just reached him.

Sir JOHN PAKINGTON: One of these papers was a circular despatch, addressed by Sir William Denison the Governor General, to the other Australian colonies, proposing that they should subscribe 100,000*l.* to obtain steam communication. Another was an address of the Legislative Council of Victoria, stating that that Colony was ready to pay 50,000*l.* a year towards the expense of renewed steam communication. He (Sir J. Pakington), therefore wished to know what the Government were doing in the matter, and how soon steam communication to Australia would be resumed? Also what answer had been sent by the Government to the offer of the colonists?

Mr. WILSON believed that no direct communication had been received from Victoria with respect to any offer made by the Legislative Council of that colony, but they were in possession of papers at the Treasury which recorded the circular letter of Sir William Denison to the other colonies, making a proposal that they should contribute a proportionate sum of 100,000*l.* for the purpose of insuring steam communication. The proposal of the Legislative Council of Victoria, in answer to Sir William Denison's communication, was that, supposing this sum to be raised, the home Government should contribute 60,000*l.* a year and the colonial Government 40,000*l.* A letter had also been received from Sir William Denison, enclosing a resolution passed by the Legislative Council of Victoria, to the effect that the colony would go to the extent of 50,000*l.* yearly as its contribution; but they only made this offer on condition that the communication should be carried on by way of Ceylon and the overland route to India, whereas Sir W. Denison's circular referred to communication by the Isthmus of Panama. No distinct proposal, in fact, was contained in any of the papers in the possession of Government: but the whole of them were now in the hands of the Postmaster General, for his consideration as to how far he would feel himself justified in recommending the Imperial Govrenment to share in the requisite expenditure. As soon as the Postmaster General should have reported to the Treasury on that subject no time should be lost by the Colonial Office in communicating with the colonies, in order that some plan might be arranged by which the object in view might be carried out.

Sir JOHN PAKINGTON hoped that steam communication between England and the Australian colonies would be speedily resumed.

Mr. WILSON said that the Admiralty, at any rate, were perfectly prepared, on receiving the Report of the Postmaster General, to recommend that arrangements should be made for effecting this object. At the same time it might be necessary that some communication should be had with the colonies before any plan could be carried out.

Mr. DIVETT said, there was a difference of views among the colonies as to the route to be fixed on; were they now agreed to accept the route of the Oriental Company?

Mr. WILSON added that one of the colonies wished that the communication should take place by the Isthmus of Panama, while another colony desired that it should be carried out by the India Overland route.

Sir JOHN PAKINGTCN asked whether her Majesty's Government had resolved to assent to the proposal of the colonies to bear a part of the expense of establishing steam communication with this country?

Sir WILLIAM MOLESWORTH said, that he had been so short a time in office that he had not had time to give a careful consideration to the papers to which reference had been made. He did not, however, see any reason why her Majesty's Government should not accept the proposal of the colonists to bear part of the expense of the steam communication.

Mr. EVELYN DENISON asked whether the Legislative Council of Victoria had charged a sum of 50,000*l.* upon the colonial revenues to be disbursed for the purposes of establishing steam communication with this country?

Mr. WILSON said that no official communication of this fact had been received.

THE NEGOTIATIONS AT VIENNA.

Mr. LAING rose, according to notice, to call the attention of the House to the objects and policy of the war as affected by the late negotiations, and to move an Address for copies of any Correspondence with the French Government relative to the last proposals of Austria. It was scarcely necessary for him to say that nothing but a strong sense of duty could have induced him to bring forward this Motion on the present occasion. He was perfectly aware that to invite discussion at this period of the year, when the strength of hon. Members, both mental and physical, was expended, was not the best way to add to his popularity in this House; and he was equally aware that the opinions he was about to express were not likely to add to his popularity in the country. The importance of the present crisis, however, was such that he should be unworthy of his seat in that House if he allowed such considerations to weigh with him for a single moment. The Government had recently come to a decision—one of the most important in modern history—in regard to the non-acceptance of the Austrian propositions for peace in opposition to the unanimous opinions of the five Plenipotentiaries who represented the Allied Powers at the Conferences at Vienna; the war, prolonged in consequence of that decision, had entered into a new phase; and the relations of this country towards its allies and other Powers of Europe had been entirely changed. Now, no discussion whatever had taken place with respect to the policy pursued by the Government since the House had been in possession of the information bearing upon this subject. He stated this deliberately, because he recollected well, when he first asked the Government to fix a day for this Motion, the noble Lord, in his usual pleasant and jocular manner, endeavoured to put him off by saying that there had been a great deal of discussion on the subject already, and that it was useless to press it any further. Now the only discussion that had taken place on the policy and objects of the war occurred several weeks ago on the Motion of the right hon. Gentleman opposite (Mr. Disraeli), and that discussion arose not only while the House was in a state of ignorance, but, what was worse than ignorance, of positive misconception as to what had really taken place at the Vienna Conferences. All that was then known to the public was that the negotiations at Vienna had been broken off, and that the noble Lord the Member for the City of London had left Vienna; and it was supposed that those negotiations had been broken off because Russia had refused to entertain the proposal of the allies for the limitation of her fleet, and that she had made two counter propositions which were unacceptable, and presented no hope of arriving at a satisfactory solution. Subsequently some rumours found their way into the newspapers that Austria had, at the last moment, made a further proposal, but the general belief was that that proposal was little more than one of the last Russian propositions slightly disguised. Further rumours then got out abroad that dissensions existed in Her Majesty's Cabinet on the subject of the Austrian proposal, and that a portion of the Cabinet was in favour of what was described as a dishonourable peace on the basis of this proposal; but this rumour was not credited. In this state of things the right hon. Gentleman the Member for Bucks brought forward his Motion, previous to which, Members on this side of the House were summoned to one of those confidential meetings in Downing Street, which had been frequently referred to, and where if anywhere, it might be imagined that the truth ought to be disclosed. He appealed, however, to those who had attended that meeting to say whether either then, or during the discussion which had afterwards taken place, the whole truth had been disclosed? He did not wish to use strong language on this point, but he was bound to say that the *suppressio veri* on that occasion approached very nearly to a positive *suggestio falsi.* The result was, that the Motion of the right hon. Gentleman was discussed while a complete misconception of the real state of things existed in the House. It never entered into the imagination of any one to believe that a proposal had been made by Austria which the noble Lord the Member for the City of London and all the other Plenipotentiaries considered contained a satisfactory solution, and that a difference of opinion existed in the Cabinet, and that the Government had come to a decision which led to the prolongation of the war in spite of all this. He was bound to say that he thought the terms of that Motion were strictly correct—that the conduct of Her Majesty's Government was uncertain and their language ambiguous, and nothing had occurred within his recollection of public events which was so much calculated to shake the confidence of the country in public men as the meeting in Downing Street. Subsequently a discussion took place upon the Motion of the hon. Baronet the Member for Hertfordshire (Sir B. Lytton); but that discussion turned upon a question affecting the personal conduct of the noble Lord the Member for London, and it was altogether nipped in the bud by the resignation of the noble Lord. The Motion itself was an endeavour to ascertain, not whether the noble Lord was right in the decision to which he originally came at Vienna, but whether, having arrived at that decision, he was right in retaining his seat in the Cabinet after his opinions had been overruled by his colleagues. A third Motion was afterwards brought forward by the hon. and learned Member for Sheffield (Mr. Roebuck), which went directly, not to the policy and objects of the war, but to the manner in which it had been conducted. Under such circumstances he thought the House would agree with him that this great and important question had not as yet been fairly discussed, and that no opportunity had been afforded for deciding whether the noble Lord the Member for London was right or wrong in his original decision, and whether or not the Austrian proposal would have afforded a satisfactory basis for the conclusion of peace. He (Mr. Laing) therefore brought forward his Motion now on account of what he knew with respect to the public opinion of Europe. Perhaps, from his large connection with industrial undertakings in foreign countries, he had been better enabled than many hon. Members to ascertain the opinion entertained abroad with regard to the war and the negotiations for peace, not by professed politicians, but by men of business—bankers, merchants, financiers and others largely interested in trade and commerce, who constituted to a great extent the independent public opinion of Europe on this subject. In the first instance this opinion was unanimously in favour of the course taken by the Western Powers in resisting the aggression of Russia; but he was bound to say that they were now entirely agreed that a great mistake had been committed in not making peace upon the terms proposed by Austria at Vienna. They naturally said, "When you sent to Vienna a man of the eminence of the noble Lord the Member for London, the recognised leader of the Liberal party, and, since the death of Sir Robert Peel, the most prominent statesman in the country, the conferences which he attended were looked upon more as an arbitration than as a mere diplomatic negotiation; and yet we now find you fighting against the award of your own arbitrator." The public felt that unless the terms proposed by Austria would have led to a satisfactory solution of the matters in dispute they would never have received the unanimous approval of the noble Lord the Member for London, of the French Plenipotentiary, M. Drouyn de Lhuys—who had gone to Vienna with opposite instructions—and, as it was now understood, of the Turkish Plenipotentiary also the representative of the Power principally concerned. If it could be shown that the noble Lord the Member for London had been wrong, and that the majority of the Government had been right in refusing to entertain the Austrian proposal and in deciding upon continuing the war, it was high time that some endeavour should be made by a full discussion of the question to remove the erroneous impression which prevailed both in this country and upon the Continent. For his own part, he was bound to say that an examination of the papers recently laid before the House only tended to confirm him in the belief that in rejecting the Austrian proposals the Government had committed a very great mistake.

In order to arrive at a satisfactory conclusion upon the matter, it would be necessary, in the first instance, to define what were the precise objects for which the war had now been protracted. He approached the question with entirely different views from those entertained by the hon. Members for Manchester and the West Riding, and other gentlemen connected with what was commonly called the peace party. He greatly admired the ability of those hon. Gentlemen, and still more the moral courage with which they came forward to defend most unpopular opinions; but he had always felt that the war was a just war, and that, having been entered into by France and England in defence of the rights of civilisation, it was necessary to continue it at all hazards until the objects for which it had been originally undertaken had been attained. But the circumstances of the case were now entirely different:—he believed that the rational objects of the war had been attained, and he could not but feel that hostilities had been unnecessarily protracted. He came to that conclusion from no misgivings as to the original policy of the war, or of the ability of the Western Powers, if they chose to submit to a sacrifice, to obtain in the long run any amount of military success, but because he thought that it was a mistake and a crime to continue a war when there was a possibility of concluding a satisfactory and honourable peace. The general objects for which the war was undertaken seemed to be pretty accurately defined by the Austrian Minister when he said in his despatch,—

> "The object of the war was to limit the political power of Russia to such a point as to render the abuse of its material resources, if not impossible at least in the highest degree difficult."

He believed, in other words, that the great object of the war was to maintain the balance of power in Europe, and that he held to be an object not only worthy of this country, but one that could not be given up without dishonour. England had ever been forward in resisting the attempts of any nation to acquire universal dominion or to destroy the balance of power in Europe, and he trusted that the same honourable and manly policy would always continue to be adopted. He knew that the words "balance of power" were unpopular in the time of the first Georges, and that they had been used to justify wars undertaken for mere family interests; but at the same time he could conceive nothing more necessary than to maintain a proper balance of power in Europe. He believed that our modern civilisation rested on the fact that we had a community of nations, each pursuing its own development independent of the others without allowing any one to gain undue preponderance or to draw others into their own system; and that if we allowed that principle to be subverted, instead of European civilisation we should have a system more in accordance with that which prevailed under the old Roman Empire, or now existed in China. It was therefore the duty of England to maintain her position at all hazards. Beyond all doubt the balance of power in Europe had been threatened by the attitude taken by Russia, and the main object of the war was to restore the balance of power, and to place Russia upon terms of equality with the other great nations of Europe. It was necessary, however, to consider by what means Russia had been enabled to obtain a preponderance of power, and how it was that the peace of Europe had been disturbed. Unfortunately, from a combination of circumstances, the great German nations, which were the natural rampart of Europe against Russia, had been induced to desert their position, and to become almost subservient to Russia. A variety of causes had led to this result, but the most prominent, he was sorry to say, was the foreign policy of England, by which she had alienated the Conservative Governments of Europe by mischievously intermeddling in their internal affairs, and by patting on the back the revolutionary parties on the Continent, while we had never any serious intention of forwarding their designs; and that it was more particularly by the course which we pursued in 1848 that we had alienated the German Powers, had driven them into the arms of Russia; and had thus created the danger with which we were now called upon to deal. The opinion of the noble Lord the Member for London with regard to the co-operation of the German Powers was deserving of serious attention, and ought to carry with it considerable weight. The noble Lord said—

> "I have always considered that, whatever arrangements may be made for the security of Turkey, in order to have a durable peace, we ought to have Austria and Prussia and the States of Germany parties to a general alliance, by which Turkey would be secured against aggression."

There was no doubt that the interests of Austria and of England were identical in regard to their foreign policy, and he believed that an alliance between England and Austria to resist Russia was one dictated by nature and common sense, for England and Austria were both essentially conservative and non-aggressive powers as regarded foreign policy, and it was the interest of each to maintain the balance of power in Europe. We had brought the war upon us in a great measure by alienating the German Powers, and the keystone of any effectual system for resisting the aggressions of Russia, and restoring the European equillibrium, must be a hearty and cordial alliance between England and the German States. But the more immediate and specific danger arose from the position of Russia with regard to Turkey. It was caused, in the first place, from the internal and, he was afraid, incurable weakness of Turkey, and the existence of certain old treaties so ambiguous and ill-defined that Russia could carry her aggressions to an extent which affected the independence of Turkey without constituting any specific *casus belli* which would justify the interference of the other Powers of Europe. The direct cause of the war was the attempt of Prince Menchikoff to extend those treaties a step further, so as to enable Russia to acquire an almost absolute supremacy over the Christian subjects of the Sultan, and to establish an *imperium in imperio* in the Turkish dominions. The great difficulty then felt was, that the old treaties were so ambiguous and ill-defined that Russia could carry on her aggressions to a very considerable extent without constituting a *casus belli.* The remedy for this state of things proposed by the statesmen of the leading Powers of Europe was embodied in the propositions known as the "Four Points." The object of the first of these points was to abrogate the ambiguous treaties with regard to the Danubian Principalities, and to provide that Russia should not enter those Principalities without constituting a *casus belli.* The second point provided for the free navigation of the Danube. It was provided by the first part of the third point that Russia should be required formally to abandon her designs of aggrandisement with regard to Turkey, and, by the second part, that Russia should afford some security against any aggressive attempts by the reduction of her fleet in the Black Sea. The fourth point provided that the Christian subjects of the Porte should be placed under the joint protectorate of the great European Powers. Russia was asked, by acceding to these terms, to relinquish a position which she had acquired by centuries of successful warfare, and to bind herself in the most distinct and solemn manner to abandon her designs of aggrandisement. When the Four Points were first proposed Russia complained that, by acceding to them, she would be compelled to sacrifice advantages which she could only be expected to relinquish after years of disastrous warfare; but a year had hardly elapsed before Russia conceded the principle involved in the propositions of the allied Powers. A conference consequently took place at Vienna, with the object of carrying out the Four Points in detail. The first two points were agreed to, and the first half—and, as he considered, the most important half—of the third point—namely, the recognition of Turkey by a European treaty as an essential element of the balance of power was settled, or could have been settled, without difficulty; but the negotiation was broken off upon the mode of defining the means of carrying into effect the second half of this third point. If the Black Sea had, like the Baltic or the Mediterranean, been accessible to the ships of all Powers, the second half of the third point would never have been proposed, for this country would have trusted to her own resources and those of her allies to maintain the counterpoise. This question arose in consequence of the peculiar position of the Black Sea, and the narrowness of its entrance by the Dardanelles, which rendered it a matter of equal difficulty to maintain that sea as a close sea, or to open it indiscriminately to the ships of all nations. The danger which was contemplated arose not so much from the magnitude of the Russian force in the Black Sea, as from that constant *tête-à-tête* between Russia and Turkey which certainly did expose Turkey to considerable danger. Proposals were made by Russia to settle this question on the basis of absolutely closing or completely opening the Black Sea, and both those propositions were, in his opinion, very properly rejected as failing to afford any effectual guarantee. He considered that the absolute opening of the Black Sea would have left Russia in many respects in a position of greater power and Turkey in a position of greater danger than when the war began, for in that case Russia would have been enabled to unite her Baltic and Black Sea fleets, which might have cruised in the Greek waters and have made demonstrations before Constantinople. He did not think, either, that the other proposal made by Russia for absolutely closing the Black Sea would have afforded any satisfactory guarantee, because it would have left matters in precisely the same position as before the commencement of the war, and if Russia entertained any sinister designs with regard to Turkey, she would have been enabled to carry them into effect.

Well, the conference closed, but subsequently Austria made a new proposal, and he thought it was well to bear in mind the statement of the noble Lord the Member for the City of London (Lord J. Russell) that whether that proposal was a good one or a bad one, it was totally and entirely distinct from the Russian proposals which had been previously made. The Austrian proposal was that the Black Sea should be closed against Russia, but that in some contingencies the allies of Turkey should have access to it, and that a system known as the system of counterpoise should be established. According to that proposition, while Russia confined her fleet in the Black Sea to a certain number of ships, the allied Powers were each to maintain two frigates in that sea, but if Russia thought proper to increase her fleet the rule for closing the Dardanelles against foreign Powers would *ipso facto* be abrogated, and the ships of England, France, and Austria, along with those of Turkey, would be admitted into the Black Sea in sufficient numbers to establish a counterpoise against the force of Russia. If Russia, having six ships in the Black Sea, chose to increase that number to ten, England would be empowered as a matter of right to send in five ships, France would be entitled to send in five ships, Austria would be entitled to send in a specified number, and Turkey would have the right of maintaining, if she thought fit, an equal force with that of Russia. If, therefore, Russia maintained ten ships in the Black Sea, there would have been seen also ten French and English ships in addition to the Turkish fleet, and an effectual counterpoise would have been established. If Turkey was menaced she would have at once the support of the fleets of her allies. In addition to this system of counterpoise, however, it was proposed that Austria should enter into an alliance with England and France to guarantee Turkey against any aggression on the part of Russia. That was an object which the noble Lord the Member for the City of London had told them he had laboured hard to accomplish at the Vienna

Conferences and he (Mr. Laing) thought such a treaty afforded the most satisfactory and the only effectual security that could be obtained: indeed, so long as that triple alliance existed, he believed that the peace of Europe was perfectly secure. Austria offered to insert a secret and important article in that treaty of triple alliance, providing that if Russia should reject the proposition then to be made to her, or at any time hereafter should manifest designs of aggression in any unmistakeable manner by increasing her fleets, Austria would consider such a proceeding as a *casus belli.* To sum up the position in a few words —either Russia would have accepted the proposals, or she would not. For the moment he would argue on the assumption that Russia would have accepted the proposals, and he preferred to proceed upon that supposition, because it had been so put in the despatches of Count Nesselrode and of our own Government—because in the circular which had appeared in the French papers, and which was attributed to Count Nesselrode, it was stated that Russia would have accepted the proposals and would only have made some trifling objections—and also because, from all the information he (Mr. Laing) had been able to obtain in this country and abroad, he believed that as circumstances turned out, Russia would certainly have accepted those propositions. He believed that, coming under consideration, as they did, at a moment when the important successes in the Sea of Azoff had been obtained—events which had made a great impression at the Court of Russia —the result would have been that they would have been accepted. Assuming that to be the case, he would proceed to consider the difference between what we asked for at Vienna and what we might have had. We asked for securities for the future. Russia consented to abandon all her old treaties and to enter into a new treaty binding herself in the most solemn manner to refrain from aggression on her neighbour. Thus, in principle, every security for the future would have been obtained. But it was then said, "We cannot trust Russia, and must have a material guarantee." A material guarantee would have been obtained in the triple alliance of England, France, and Austria, which he believed to be the best and only guarantee that could be had. In addition, we might have had a system, by means of which the preponderance of Russia in the Black Sea would be effectually destroyed, namely, that, if she increased her fleet in that sea to any alarming extent, France and England would have the power of sending their ships in sufficient numbers to neutralise that increased force. Thus our position clearly resolved itself into this,—we broke off negotiations and continued the war simply for the difference between counterpoise and limitation. When he found such grave results springing apparently from such trivial causes, he asked himself, what were the arguments which rendered limitation so far preferable to counterpoise, as to justify a continuance of war, with all the sacrifices of men and money that it involved, merely on account of the difference? The arguments in favour of limitation, as they were very fairly stated by the noble Lord the Member for London and by Lord Clarendon, appeared to be threefold:—First, it was said, that to keep up a fleet in the Black Sea as a counterpoise to that of Russia would involve a very large amount of expense, which this country might not be willing to incur; secondly, that an appearance of protection was humiliating to Turkey, and would interfere with our desire to see her reconstituted as a great Power; and, thirdly, that such a state of things as proposed would only be an armed truce, and that the presence in the Black Sea of so many vessels of war, representing different, and it might be trivial interests, would create a risk of continual conflicts. He did not deny that there was weight in those arguments, but he thought their importance had been overrated. With respect to the first objection urged against a system of counterpoise—of expense—he would observe that we always kept up a considerable fleet in the Mediterranean, and if, after peace was concluded, we heard that Russia was augmenting her fleet beyond the stipulated number, there would be no difficulty in our detaching three or four ships from the Mediterranean fleet, and sending them into the Black Sea to show our flag, and learn what was going on—a proceeding which could not involve any very large additional expense. But even should it be necessary to increase the fleet, and, for the protection of Turkey, to establish a naval depôt at Sinope, or elsewhere, in the Black Sea, would the expense be decisive against the system of counterpoise? Would not the interest of the money we were now spending in carrying on the war amply meet the expenses of any additional naval establishment which we might be required to maintain? But there could be no question of deliberately setting money against the evils and dangers of a protracted war, and if a good practicable peace could be obtained no one would attempt to set expense against human lives. However, as he had stated, he really believed the expense would be but trifling. With regard to the protectorate of Turkey being humiliating to that Power, he feared that was a condition they must expect to see. Turkey could not hope to exist as an independent Power, without a certain amount of protection from other Powers; and was this country to continue the war to avoid the appearance of doing something which, in spite of ourselves, we were obliged to do? With respect to the third objection, that the proposed system of counterpoise would be only an armed truce, and, as argued by Lord Clarendon in one of his despatches, there would be a constant chance of collisions occurring, he (Mr. Laing) could not see why that argument should apply more in the present case than in other and parallel cases. For instance, in 1840 we were on the verge of war with France upon the Syrian question. That war was happily averted; but for a considerable time afterwards our relations were somewhat reserved, and large fleets watched each other in the Mediterranean; but no quarrel arose in consequence, and he could not see what greater danger there would be from a similar state of things in the Black Sea, nor could he believe that British naval officers were so little amenable to discipline that they, in time of peace, would risk the involvement of their country in war by any chance collision or bad feeling towards Russian officers. There was a much larger question of limitation of naval force, which might well be considered. There could be no doubt that to a great extent the naval forces of all the great maritime Powers were maintained upon the principle of counterpoise, and if some relative proportion of force to be kept up by each State could be agreed upon by a European convention, the aggregate forces might be diminished while the balance of power remained unaffected. That, however, was a much larger question than the isolated question of the Black Sea. Even if there were some little danger to be apprehended from the chances of collision between the various fleets in the Black Sea, they were not sufficient to outweigh the convincing arguments in favour of a system of counterpoise. One great and, to his mind, overwhelming argument in favour of a system of counterpoise was, that the limitation plan was only a paper arrangement, while counterpoise was a practical plan. Counterpoise would, as had been well observed by the noble Lord (Lord J. Russell), make it the interest of Russia herself to limit her forces, because she would know that the act of increasing them beyond the stipulated amount would bring about the very thing she was most anxious to avoid—the presence of the British and French flags in the Black Sea, the appearance of which could not fail to have an immense moral effect upon the population of the coast of that sea, which would be extremely prejudicial to the preponderance of Russian power in those countries. It would, therefore, be a reasonable security against any increase of the Russian force; it would be a practical remedy also. If there was a paper limitation, saying that Russia should only keep up a certain number of ships, in some ten years hence, when this country was on good terms with Russia, we might hear that she was building a ship or two beyond the stipulated number; but then he (Mr. Laing) did not believe this country would go to war on that account, or make it a *casus belli.* But under the other arrangement, if you were to hear that Russia was increasing her naval forces, you would have no hesitation in sending a certain number of your ships to take a cruise in the Black Sea to look after her proceedings there, and the danger would thus be at once met. I call one, therefore, a working plan, and the other a mere paper stipulation.

It was likewise important to observe that the difference between the counterpoise plan and the plan of limitation on which the Vienna Conferences were broken off is entirely one of detail, and not of principle. In the last paper relative to Eastern affairs laid on the table, containing instructions given to Lord J. Russell when he went to Vienna, it was distinctly laid down that the system of counterpoise was one of the systems by which the object sought for might be obtained. In those instructions Lord Clarendon wrote—

> "The end in view is the formal recognition of the Turkish Empire in its character as an independent and self-existent State, as a member of the great European family, and as an essential element of the balance of power in Europe. One of the means by which that end is to be accomplished is the abrogation of Russian supremacy

> in the Black Sea. How this is to be effected with the least inconvenience to the Powers of Europe is the problem to be solved. It might be brought about by a common agreement, that the maritime Powers should maintain in the Black Sea a force adequate to counterbalance the naval forces which Russia has heretofore maintained, and, if uncontrolled, may again hereafter maintain in that sea."

And he went on to argue that this mode of agreement would be a most inconvenient one, but at the same time he admitted that it was one mode of agreement, and therefore he (Mr. Laing) contended the difference was one of detail and not of principle. In his judgment, therefore, it was most unfair to the noble Lord the Member for London to charge him with having acted at Vienna not only without instructions, but even in opposition to his instructions. The plan of counterpoise was distinctly laid down in his instructions as being one of the plans by which an arrangement might be effected; and, considering the large discretion which was left to him, when he found that the eminent men with whom he was associated at Vienna considered that this proposal afforded a chance of obtaining a fair and honourable peace, he might very fairly and properly take upon himself to lay it before his Government. Throughout the whole of this war the noble Lord's conclusions, to his mind, had been those of a statesman, and so far from estimating his own position too highly, if there was any fault to be found with him, it was that he had not always acted with sufficient firmness and vigour on his own opinions. The noble Lord had been charged by the Press with a too exclusive regard for his own position and reputation, but if he was blameable at all it was rather because he had not sufficiently comprehended his own position as leader of the great Liberal party, and had too readily waved his own opinions in deference to those of men who had by no means equal weight with himself in the country. Looking to the plan of counterpoise as a means of obtaining peace with Russia, the difference between it and the plan of limitation was certainly not very great; but, upon the whole, the preponderance of argument was in favour of counterpoise. It was not likely that a great Power such as Russia would submit to a proposal which would compel her to restrict her naval forces at her own door, and in seas where she had such considerable interests. A Russian statesman might reasonably say, "If we are to give up our designs on Constantinople, you Western Powers must give us some security that you will not take it yourselves—some guarantee that Constantinople will not be attacked by others, while we, who are most interested in its ultimate fate, are unable to protect it." That certainly would be a reasonable proposition.

He entirely agreed with the opinion expressed by the noble Lord at Vienna, that the terms of peace to be proposed to Russia should be such as would be consistent with her honour and dignity. The object of this war was not to destroy Russia; such an idea was altogether visionary and impracticable—and, if we could not destroy her, it would be the worst possible policy to force on her conditions which were sure to be irritating and galling to her, and which would place her in a permanent state of antagonism to us. The consequences of the acceptance or rejection of this plan of counterpoise were certainly most serious. If we had accepted it, we should have obtained either peace or the active co-operation of Austria in the prosecution of the war. That was a point of great importance, though, apparently, some difference of opinion existed on it between men who had sat in the same Cabinet at the time when it was discussed there. The right hon. Baronet the Home Secretary stated that one reason which had induced him to think that the Austrian proposal ought to be declined was, that he did not believe that Austria was sincere, or that the rejection of her plan by Russia would have led to her taking part with the Western Powers. Now, undoubtedly some confusion had arisen on this point from not sufficiently distinguishing between the two *casus belli* which were mentioned in the course of these transactions — one the immediate *casus belli* which Austria was ready to submit to Russia at once, and the other the distinct and prospective one which she was to put in the secret article of the tripartite treaty; and also from the difference between that which the Austrian Ministers talked of in the first instance, and what they offered to do when their proposal had ripened into a definite plan. He cordially agreed, however, with the description given by the noble Lord in his speech of the 6th of July. The noble Lord then said—

> "In making these propositions, the Austrian Government declared that they were ready to make them an *ultimatum*—that is to say, they were ready to send this alternative to St. Petersburg—either that Russia should consent to that plan of counterpoise which I have described, or that she should consent to limit her naval forces

in the Black Sea to the number existing at the time that these propositions were accepted. . . . . If Russia refused both propositions, the Austrian Minister was to have orders to leave St. Petersburg in eight hours, the military Convention with France and Great Britain was to be signed, and the Austrian army was to be concentrated and placed in such a position that it could commence the war at any moment. The Austrian Government did not promise that an immediate declaration of war should be made, but it declared that it would regard the rejection of its proposition as a *casus belli.* The Austrian Minister said that it would bring on the war, and considering the character of the Austrian Government, I have no doubt that unless Russia had yielded at the last moment it would have led to a war between Austria and Russia."—[3 *Hansard*, cxxxix. 568.]

The Austrian Foreign Minister, in a despatch dated the 20th of May, addressed to Count Colloredo, stated—

"If Russia, being placed in a position to agree to one or other of these propositions of the *ultimatum*, had rejected both of them, we should then have had proof that she will decidedly not give her assistance to the complete realisation of the third guarantee, in so far as its object is to put an end to Russian preponderance in the Black Sea. It being impossible, therefore, to do else than consider as exhausted the means of conciliation for bringing about such a peace as the interests of Europe, and our own in particular, require, the Emperor our august master decides to have recourse to arms as a means of obtaining this peace, the want of which is so generally felt, and which would miscarry under the resistance of one Power alone."

The same language was repeated in a circular, and the Minister declared that Austria was prepared to make war on that alternative. Could anybody doubt, therefore, that the facts were as had been stated by the noble Lord the Member for the City of London, and that we had in effect rejected the armed co-operation of Austria? The only despatch of Lord Clarendon in which the argument was used that Austria would not be drawn into a war with Russia was anterior to the date of the last definite proposal of the Austrian Government? for Lord Clarendon, in reply to a despatch from the Earl of Westmorland, after stating that the inducements which might be held out as a temptation to make renewed proposals of peace to the enemy were the probability that terms satisfactory to us would be accepted by Russia, and that if they were rejected Austria would take part with the Western Powers in the war, remarked—

"But in the present case no such inducements are held out; the conditions are not in themselves such as would be satisfactory to us. We are told that Russia would, in all probability, refuse them; and Count Buol informed your Lordship that this rejection by Russia would not lead Austria to give effect to the obligations of the treaty of December 2nd, by uniting her arms to ours. The only consequence, then, of the course of proceeding which Count Buol proposes that we should adopt would be a formal declaration by Austria that the conferences were at an end, and, it is to be presumed, a subsequent announcement that she had determined to maintain her neutral position, and to take no part with England and France in the war.

It was subsequently that it was announced that the Emperor had made up his mind, in case of the rejection of the proposals by Russia, to embark in the war, and therefore the statements of the noble Lord were not at all controverted. This really involved the question of the *bona fides* of Austria throughout these transactions, and on that point nothing could be more distinct than the testimony of the noble Lord himself, who ought to be better acquainted with the subject than any one else—and he said that she had acted, not, perhaps, the part that he would have wished, but a straightforward and intelligible part, and that there could be no well-founded complaints of treachery against her. Austria was as much opposed to Russian preponderance as this country could be, and she had said that she was prepared to fight for the destruction of that preponderance, but that, if the same object could be accomplished by negotiation, she would infinitely prefer not going to war. There was nothing unreasonable in that. Austria had many reasons why peace, if possible, should be maintained; her frontiers were more exposed to the enemy than those of any other Power; she recalled to mind the danger of a recurrence of the internal commotions which afflicted her in 1849, and she knew that in all probability even a successful war would almost ruin her finances, there being at the present a deficit of 2,000,000*l.* or 3,000,000*l.* a year. Austria, the House would recollect, had been engaged in a vast work of internal improvement—in a task little known in this country, but a most important one—the emancipation of millions of her peasantry from a state of feudal serfdom. She had also engaged in other social improvements, such as increasing the means of internal communication, which required a state of peace and tranquillity above all things, and it was but natural that if she could effect her object by diplomacy she would entertain a horror of going to war.

That being the state of things, and the conferences having broken off on the question of counterpoise, he came to consider the enormous dangers to which this country and all the Powers of Europe would be exposed by a continuance of the war. He did not dwell on military risks, because he entertained a confident opinion that the resources of England and France would in the long run be too great for those of Russia, and that if they submitted to all the sacrifices which the war demanded, they would eventually carry any reasonable point. The expense incurred by the war was, however, a plain and tangible sacrifice which every one could appreciate. If the war were indefinitely continued for an indefinite object, we should undo all the good that the last many years had done, and we should load ourselves with the burden of a second national debt to no purpose. It must also be obvious to every one that the continuance of the war must finish in the exhaustion of the ally we undertook to succour. He did not wish to say a word reflecting on the alliance between England and France, but, he asked, could anybody guarantee that that cordial alliance would be in the same state a year or two hence? Were there not already to be seen in the war very obvious germs of dissidence between the two Western Powers? Might not reverses bring with them recrimination? — for even the unsuccessful assaults on the 18th of June had that effect. Above all, was there not danger that by the continuance of the war France would be inoculated with that spirit of martial ambition and military conquest which forty years of peace had not totally extinguished? Our alliance was an alliance which had been formed and cemented by the arts of peace, and it was mainly the extraordinary increase in the wealth and prosperity of France that had so many years restrained that nation from following the phantom of military glory. If France were engaged in a war upon this gigantic scale, in which she was staking millions of money, was there no danger that public opinion in that country would revert again to ideas of military enterprise, and that the people of France would say, "If we are to make these enormous sacrifices they must be for some more material and substantial advantage than that of a simple question of counterpoise or limitation in the Black Sea?" Public opinion in France was a delicate subject to refer to, but it was desirable that we should be able to form a correct idea of it. He believed that some time ago all reasonable men in France acquiesced in the war as an inevitable necessity, and that the popularity of the Emperor made the war popular for a period; but he was persuaded that the great majority of the thinking people of France now considered that there was no sufficient object for carrying on the war, and he could not look without apprehension to the results which might arise at any time from a continuance of the struggle. That which was true with respect to our relations with France was equally true with regard to our relations with Germany, and must greatly endanger that which he had already described as the very sheet-anchor and keystone of any successful resistance to Russian aggression. We had brought this war upon us by driving Germany into the arms of Russia, by the sort of amateur patronage which was given to revolutionary principles by our Government in 1848. If vague ideas of resucitating the nationalities of Hungary and Poland —ideas which were utterly visionary— were encouraged at public meetings and in the Press, he feared that our relations with the German Governments would be greatly imperilled. He would not detain the House by dwelling upon the risks of the war, because they were obvious; but he asked, would the country believe that it was worth while encountering those great risks for a mere question of counterpoise or limitation? It might be said that, having gone to Sebastopol we could never relinquish our efforts until we had conquered it. Such an argument might be all very good for persons who had no responsibility; but was there anybody in that House who would seriously advocate the continuance of the war except as the means of attaining a certain specific object? War was only justifiable as the last resort; and the moment war was made the end instead of the means we relapsed into the condition of barbarism and were unworthy the name of a civilised nation. He was persuaded upon calm reflection, that neither the conscience nor common sense of the country would approve the continuance of the war for mere notions of military glory, or a determination to succeed in our enterprise against Sebastopol. War had a very exciting influence on the imagination; and very false and exaggerated notions were entertained out of doors as to the importance to our reputation of continuing the war. Suppose that peace had been concluded upon the terms proposed at Vienna, could it have been said twelve months hence that France and England had been baffled in the war, when Russia had conceded the very points for which the war was undertaken, because they had not obtained a victory over the great military power of Russia upon her own soil? As for military *prestige*, England never had and never would have any military *prestige;* the only *prestige* which England possessed was as a naval Power, and he contended that our naval *prestige* had in no way suffered. If we had not achieved great triumphs by sea during the present war, it was only because the superiority of our force had been so overwhelming that the enemy dared not face us. Nothing had occurred to show that there was a possibility of sweeping our navy from the seas or of invading England, and he asserted that the operations in the Sea of Azof were more important to the *prestige* of England as a naval Power than if we had taken half-a-dozen Sebastopols with the aid of the French, the Turks, and the Sardinians.

He thought the Government and the House of Commons had been guilty of mystification towards the public on the subject of the objects of the war. What were the objects for which the war had been undertaken? Judging from the papers before the House, the whole dispute was one of counterpoise *versus* limitation. If there were other objects of great national importance involved it was right that the House and the country should be made acquainted with them, and it might then be seen whether the House would support the war on that issue. But the Government had been guilty of considerable mystification in this respect; and the House had never had any intelligible conception of the situation of the country in regard to the war. There had been a great deal of talk about the "vigorous prosecution of the war," and a "safe and honourable peace,"—expressions which might mean anything or nothing—but the House ought to have some more definite intimation of what was intended. He could not himself imagine what ulterior objects there could be in prosecuting the war; and if Russia were to give us a blank piece of paper, and were to say, "write your own stipulations for peace," he was at a loss to conceive what, in the interests of England, would be required more than had been already offered. Would we insist upon taking Sebastopol and the Crimea under the condition of being obliged to incur the expense of maintaining them? Why, he did not believe that any rational statesman would accept Sebastopol if it were offered as a free gift; then was it sensible, was it Christianlike, to go on shedding blood in order to take a place which, if it were offered to us as a gift, we would not accept?

One word as to the form of his Motion. He had thought it better not to submit any proposition having a party complexion, or which would lead to a division upon that account. He had thought that at this late period of the Session it would be unfair to absent Members to do anything of the sort; but, independently of that, he believed that it was better for the dispassionate consideration of the arguments upon the question, that it should not be encumbered with any subject of a party nature. He asked for the correspondence with the French Government relative to the last proposal of Austria, because he thought it very important that it should be known—so far as it could be communicated without detriment to the public service—what had passed between the two Governments, and whether or not the Government of this country was principally responsible for the rejection of the terms of peace. It would be for the noble Lord at the head of the Government to say how far the information which he now sought for could be given consistently with the interests of the public service. He had no desire to have any papers produced that would interfere with the public policy; but he did think the correspondence which he asked for was necessary to a clear conception of all the circumstances connected with this subject.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Correspondence with the French Government relative to the last proposal of Austria."

SIR GEORGE GREY: I am quite willing to admit that Her Majesty's Government have no right to complain of the course which the hon. Gentleman has taken in having, before the prorogation of Parliament, again brought the important subject to which his speech and the Motion he has made relate, under the consideration of the House; nor can any one complain of the manner in which he has brought it before us. But, at the same time, it is much to be regretted that, if the hon. Gentleman did think it necessary in the discharge of his duty to revive before the prorogation of Parliament the discussions that have taken place in this

House with regard to the recent negotiations at Vienna, he should have adopted the particular course which he has now taken. I regard the Motion which the hon. Gentleman has made as objectionable on two grounds. It is a Motion that, so far as relates to the production of the correspondence between the French and English Governments with regard to the last Austrian proposal, he must himself have been aware that it was impossible that the Government could accede to; while, on the other hand, it is a Motion which, while the speech of the hon. Gentleman raises most important questions, and is calculated to excite public feeling, affords no opportunity for the expression of opinion on the part of the representatives of the people in Parliament. The hon. Gentleman has called the attention of the House to the course taken by Her Majesty's Government after the last proposal of Austria, made after the Conferences at Vienna had been suspended, and then he asks for the production of the communications that have taken place between the English and French Governments in considering, jointly, the course which it was their duty, having a regard to the interests and the honour of the two countries, to take in reference to that proposition. Now, the House is in possession of ample information with regard to the negotiations at Vienna, and also with regard to the proposal made by Austria after the Conferences at Vienna had been suspended, but before they were formally closed, together with the grounds and arguments on which Austria based that proposition, and recommended it to the Governments of France and England. They are in possession not only of the decision of the Government with regard to the proposition, but the grounds and reasons on which that decision was arrived at. They are in possession of the protocols, stating distinctly the propositions made by the allied Powers, and they are aware of the extent to which those propositions were agreed to, and the grounds on which the negotiations were broken off. The House is also in possession—in consequence of a request made by the right hon. Gentleman opposite (Mr. Disraeli)—of the instructions addressed by the Government to the noble Lord (Lord J. Russell) as one of the Plenipotentiaries of the British Government in the conduct of those negotiations—for the Government, breaking through the reserve usually observed in such cases, at once consented to lay those instructions on the table of the House. And now the hon. Gentleman asks for further communications of a character and nature which he must feel it would be in direct opposition to the duty of the Government to produce to the House. In the course of the war in which we are engaged, constant, free, and unrestricted communications have taken place between the Governments of the two countries with regard to important operations of war, as well as with reference to the negotiations in which they have been recently engaged; and it is necessary that these unreserved communications should take place—that there should be a free and unembarrassed interchange of views and opinions in order to insure that unity of action which is essential to success, whether in war or in negotiations. The mutual interchange of views and opinions which usually takes place in such cases with reference to points on which, perhaps, there may at first be some diversity of opinion, leads ultimately to a unity of sentiment, and that is exactly what has taken place with regard to the Governments of France and England. But if these confidential communications are to be produced, the necessary consequence must be, that such unreserved interchange of views must for the future cease. The Government cannot, therefore, consent to lay this correspondence on the table, because they believe it would be prejudicial to the public interests, and destructive of that confidential intercourse between the two countries which is essential to a vigorous prosecution of the war. When the hon. Gentleman thus asks for the production of what ought to be kept secret, he shows little regard for the maintenance of that alliance, on the maintenance of which his speech seemed to throw so much doubt. Attaching, as we naturally do, the greatest importance to the preservation of the alliance with France, we ought to consider what the feelings of France would be if the Government of this country, without communication with them, and without obtaining their opinion or consent, were to produce to Parliament and send over all Europe the confidential communications of the French Government with regard to the important questions that have come before them.

But this, after all, formed a very unimportant part of the speech of the hon. Gentleman, who made use of his Motion evidently as one of form only, in order to enable him to state his views as to the course which Government have pursued and the course which he thinks they ought to have pursued, in relation to the last proposal of Austria. The hon. Gentleman impugns the policy of Her Majesty's Government only in this last stage of the proceedings, namely, in refusing, along with France, to agree to the proposal which Austria submitted with the view of ascertaining whether Russia would accept it as a basis of negotiations for peace. The hon. Gentleman, separating himself from some of those near to whom he sits, admits, in the fullest and most distinct terms, the justice and necessity of the war in which we are engaged; he stated that he considered the war to have been absolutely inevitable; and he admits that the principles embraced in the Four Points are principles which it was the duty of the two Governments to insist upon. He goes further, and separates himself not only from those who originally impugned the necessity of the war and denied its justice, but from those also, who, having at first concurred in the justice and necessity of the war, and having been parties to embarking in it and in prosecuting it up to a certain point, have thought at a later period that we had secured a sufficient basis for the negotiation of peace, and have therefore declared themselves hostile to its further prosecution. The hon. Gentleman goes further than those parties also who declare that in both the proposals that were made, or in either of them, there were contained satisfactory bases upon which negotiations might have been renewed with a prospect of arriving at a safe and honourable peace. If I have understood the hon. Gentleman correctly, he is of opinion that the Governments of Great Britain and France, and their Plenipotentiaries at Vienna, were fully justified in their rejection of the proposals made by Russia as not containing the bases upon which a satisfactory solution of the points at issue might be obtained. The only point, therefore, upon which the hon. Gentleman impugns the policy of the Government is as to the course adopted by them with regard to certain proposals which were made by Austria at the later stage of the Conferences at Vienna. The hon. Gentleman regrets that the Governments of France and of this country did not concur in proposing to Russia conditions different from those which they had originally declared to be necessary to secure a satisfactory termination of the contest. I do not think, in defending the course adopted by the Government, that I need do more than refer the House to those papers which have been laid upon the table, in which the decision of the Government with regard to those proposals is stated in the most clear and distinct manner, as also the reasons upon which that decision was arrived at. I need not, I say, do more than refer to those papers, because I believe that, with few exceptions, the opinion of this House is entirely in favour of the course pursued by the Government. I am led to that belief because, in a recent debate, the despatch of my noble Friend Lord Clarendon, stating the views of the Government upon the subject, was spoken of in terms of approbation from all parts of the House, and I do not remember that there was on the part of any hon. Gentleman a distinct disapproval of it. The real question, as has been stated by the hon. Gentleman, is one between the principle of the limitation of the Russian power in the Black Sea, or the neutralisation of that sea on the one hand, and the principle of counterpoise on the other. The hon. Gentleman does not appear to differ from what I believe to be the universal opinion, that as between the principle of limitation or neutralisation on the one hand, and the principle of counterpoise on the other, the balance of advantage is in favour of the former. I think that no one will dispute that, as between the principle of limitation and that of counterpoise, if the principle of limitation had been conceded by Russia, it would have afforded the best security for obtaining the objects for which we are now contending. Now, what was the opinion of Austria with regard to these alternatives? It may be seen from the papers which have been laid before Parliament that Austria repeatedly declared her preference for the principle of limitation as opposed to that of counterpoise, and that she advanced cogent and conclusive reasons in favour of that opinion, which she shared in common with England and France. Austria never declared that she would make the principle of limitation an indispensable condition of peace, or that she would go to war if it were not conceded; but she concurred with France and England in the desire to see that principle adopted, because she entertained the opinion that it held out the most satisfactory prospect of a solution of the Eastern difficulty. We are not now called upon to assert that peace can never be established except by adopting the principle of limitation; that question does not now arise, and it is most desirable that we should be left as free and unembarrassed as possible when future negotiations for peace are resumed. There should be ample opportunity afforded of considering any proposal which affords a prospect of obtaining the objects of the war, but the principles of limitation or neutralisation of the Black Sea and of counterpoise are the only methods which have yet been suggested.

The real question now is, whether the Government were right or wrong in insisting upon the principle of limitation, and in refusing to agree to the Austrian proposals, which were based upon the principle of counterpoise. It is necessary for me, in dealing with this point, to refer to the views entertained by the Government throughout these negotiations. The hon. Gentleman has referred to the instructions which were given to my noble Friend (Lord John Russell) on his proceeding to Vienna, and I must also trouble the House with a few extracts from the despatch containing those instructions, which clearly and distinctly state the views entertained by Her Majesty's Government with regard to the negotiations which were about to be opened at Vienna, and to what they considered to be the best method of obtaining the objects for which the war had been undertaken. In that despatch Lord Clarendon writes—

> "In common with her allies, Her Majesty most anxiously desires to see peace restored to Europe in such a manner as to afford a reasonable assurance that it will long remain uninterrupted; but this can only be expected if the conditions of that peace are such as to afford a sufficient guarantee for the future security of Turkey."

My noble Friend subsequently wrote—

> "But it will be in vain to stipulate that the Danubian provinces shall be withdrawn from the exclusive protectorate of Russia, or that the navigation of the Danube shall be set free from the obstructions which impede it, unless effectual precautions are taken to render the Turkish empire an integral part of the European system, and sufficient restraint be imposed upon the military and naval power heretofore exercised by Russia in the Black Sea, and the overbearing influence which, by reason of that power, she has acquired over the councils of the Porte."

It will be seen that the opinion of the Governments of France and England—an opinion which was also concurred in by Austria—was that the naval power of Russia in the Black Sea was a standing menace to Turkey, for that naval power

was maintained to enable Russia to make encroachments upon the independence, and even the existence, of Turkey, and not for the purpose of defending any portion of her own empire. It appeared to us, therefore, that the reduction of that naval power would be the best means of preventing a repetition of aggression on the part of Russia. The hon. Gentleman has argued that my noble Friend, while assenting to the opinion that there were two ways of putting an end to the preponderance of Russia in the Black Sea, either by adopting the principle of limitation or that of counterpoise, expressed no decided opinion one way or the other, but implied that either might be adopted according to the opinions of the Plenipotentiaries, and he has upon that ground defended my noble Friend the Member for London from the charge of having exceeded his instructions by bringing under the consideration of the Government at home the Austrian proposals. Now I do not conceive that my noble Friend requires any defence for having brought under the consideration of the Government proposals made by Austria which he considered might lead to a satisfactory solution of the question at issue. My noble Friend declared, in conformity with his instructions, that as Russia refused to admit the principle of limitation those instructions were exhausted; but I apprehend that he was by no means precluded from bringing under the attention of the Government the proposals which were made by Austria, and which on account of the importance of the interests at stake, required the most careful consideration. But does the despatch of my noble Friend the Secretary for Foreign Affairs warrant the opinion that he expressed no preference for the system of limitation as opposed to that of counterpoise? Why, my noble Friend writes that the objects of the war—

> "Might be effected by a twofold process—by reducing the maritime force of Russia in the Black Sea within reasonable compass, and by opening that sea, with the consent of Turkey, to the maritime forces of other nations. Her Majesty's Government would much regret that the Porte should be so impressed with a sense of its own comparative weakness as to be prepared to abdicate its power to defend the Turkish empire against even a limited display of hostile force. It would be better for the nations of Europe that the Porte should be encouraged to rely on its own resources, though left at liberty to call in the aid of friendly Powers to counteract the menaces of its powerful neighbour; but the re-

duction of the Russian naval force in the Black Sea within such bounds as might, in co-operation with an equal Turkish force, suffice to provide adequate protection for peaceful commerce, would have the further indirect advantage of preventing, at any future period, the march of Russian armies on Constantinople, or at all events of rendering any such operation one of extreme hazard; for, as far as present experience extends, the support of a powerful fleet, capable of co-operating with the advance of armies, and affording the means of providing them with requisite supplies, is essential to the success of any movement on the Turkish capital. The imposition, therefore, of adequate restrictions on the naval power of Russia in the Black Sea would give to Turkey the material protection of which she stands in need; while her recognition as an essential element in the balance of power in Europe would afford her a moral guarantee, under the safeguard of which she might fearlessly carry out those plans of internal reform and social re-organisation which have been so earnestly pressed upon the Porte for many years."

In the concluding paragraph of these instructions, Lord Clarendon adds—

> "The blood and treasure which have been so freely expended in support of that policy would be altogether thrown away if the only result of our efforts should be a hollow truce, to be broken whenever a suitable opportunity should arise for the attainment of the long-cherished objects of Russian ambition—the subjugation of the Ottoman Empire in Europe, and the enthronement of a Russian prince in the capital of Turkey."

I have read these extracts, to show what the views and feelings of the Government were on entering into these negotiations, and to show that they did not hesitate as between limitation and counterpoise, but thought the arguments were conclusive in favour of the first, and equally conclusive against the adoption of the second of these principles. These opinions were urged with great force and ability in the Conferences at Vienna, France and Turkey concurring with, and Austria supporting them. They were rejected by Russia, and for very good reasons—because she was well aware of the efficiency of the means possessed by the allied Powers to effect the object they had in view. Russia was unwilling to loose her grasp on Turkey, and therefore she pertinaciously and positively declined to part with those means of aggression which she kept in the Black Sea with views scarcely concealed, or, I may rather say, avowed. When Russia had so refused to adopt the principle of limitation, the question was, whether there was any prospect of a successful issue by continuing these conferences? The Government were at the time blamed for not at once breaking up these conferences, and for not refusing to listen to any other proposition made to them. I am in the recollection of hon. Members, when I ask them whether that was not the tone and temper of the House, and whether the Government were not accused of maintaining a lingering hope that negotiations might be resumed, and were not charged with a want of sincerity in prosecuting the war, because they did not at once declare that the conferences must be closed? On the other hand, Austria naturally clung to the hope of a peaceful solution, and no one will blame her for so doing, for it is her interest to remain at peace with Russia so long as she can do so consistently with honour. She expressly requested permission to lay before the allies some other proposition which she conceived might lead to a satisfactory issue; and the Austrian Plenipotentiary then had recourse to that system of counterpoise against which such strong arguments had already been adduced, both in the instructions to my noble Friend and in the despatches before the House. At this time nothing had occurred which would justify the Government in abandoning the view they had before taken, and in coming to the conclusion that the system of counterpoise might be adopted and acted upon with a prospect of attaining the end they aimed at. When Austria first made this proposal, my noble Friend (Lord J. Russell) stated, with that force and ability for which he is conspicuous, the objections which he, in common with the Government, entertained to the basis of that proposal. On its being suggested at Vienna that this system of counterpoise might be substituted for that of limitation, my noble Friend said, in his despatch to Lord Clarendon, dated the 10th of April, 1855—

> "I showed that the project of counterpoise was ineffectual, as we could not always have a large fleet at hand; humiliating to Turkey, if she were always to lean on France and England; unsafe for Europe, which would be kept in the perpetual ferment of preparation for war. We had, however, examined this plan carefully, in conformity with the desires of Austria, and only gave it up from being convinced of its inadequacy."

Such was the opinion of my noble Friend himself on the 10th of April with regard to the basis on which the Austrian proposal was founded. The hon. Gentleman says, that the proposal was one which my noble Friend stated offered a satisfactory solution of the question. Now, I am not aware that my noble Friend has ever made such a statement, and as he is present he can correct me if I misrepresent the sentiments he expressed. I repeat that I do not remember that he ever said that, looking to the intrinsic merits of the Austrian proposal, it was one which he could recommend for adoption, and one which would be productive of those results which we were entitled to expect from the prosecution of this war. What did my noble Friend say in a subsequent despatch of the 16th of April, giving an account of a conversation with Count Buol?—

> "I said that the British Government had always pointed to the Russian fleet in Sebastopol as a standing menace to Turkey, and to provide by treaty that this very force might again be constructed and assembled would be a course they could not justify to Parliament or the nation. That Russia, if she consented to limitation, would hardly refuse to agree to one that would be efficient. The closing of the Dardanelles and an efficient limitation were consistent propositions; but if the limitation was not to be efficient, the closing of the Straits would be inconsistent. He had himself argued that the danger consisted not in the magnitude of the Russian force, but in the *tête-à-tête* of Russia and Turkey in the Black Sea. Yet this very danger he now proposes to restore."

Further on he says—

> "The Ottoman Minister, who was unfortunately not summoned to meet us, is of a totally different opinion—[that is from Count Buol]. He thinks it would be injurious to the Porte to require that she should devote her revenues to the fortifications on the Bosphorus, when internal improvements so urgently require her attention. He doubts whether any forts on the Bosphorus would save Constantinople from attack."

Now, no doubt my noble Friend subsequently modified his opinions—not as to the abstract merits of the Austrian proposal, as the hon. Gentleman has assumed to-night, but as to the expediency of the course to be taken under the circumstances which then pressed themselves under the consideration of my noble Friend just before he left Vienna. What does he himself say on this question in that very despatch in which he declares his belief that the Austrian proposal is worthy of consideration—

> "In saying this, I may appear to contradict my former opinions. But, in fact, I do not retract those opinions. The system of limitation I believe to be far better than that of counterpoise. But the question is between an imperfect security for Turkey and for Europe, and the continuance of the war."

I think, therefore, that the hon. Gentleman is not entitled to cite my noble Friend as agreeing in the opinion that the balance of the arguments as between limitation and counterpoise was in favour of the latter.

Sir G. Grey

Well, this proposition, submitted by Austria, and recommended by my noble Friend to the attention of the Government at home, did receive careful and mature consideration. The Government thought, looking at the magnitude of the interests concerned, and the responsibility of continuing a war for one day longer than justice and necessity required that any proposition which came from Austria—recommended by that weight of authority which were thrown into the balance in its favour—was entitled to their most mature consideration. Such consideration was given to it, and in discussing it we had the advantage of the presence of my noble Friend as a Member of the Government after his return from Vienna. The French Government having had the same proposition made to them directly from Austria, as it was made directly to this country, also took it into mature, and deliberate consideration, and no doubt in the course of the few days, during which this proposition was under consideration, communications did take place, as was suggested by the hon. Gentleman, between the two Governments. As a common action was required, it was necessary to precede this by common councils. Communications, therefore, of a strictly confidential and unreserved character did take place, in order that the two Governments might, by an interchange of opinion, weigh every argument which could be adduced, either in favour of or against the Austrian proposition, and I think it cannot be imputed to either of the two Governments that they lightly rejected any proposal which afforded a prospect of a safe, honourable, and lasting peace. The hon. Member desires to know the reasons which influenced the French Government in their rejection of the Austrian proposal. Now, I have before stated that I do not consider the Government are bound, or are even entitled, to disclose to this House communications which may contain the unreserved and confidential opinion of the French Government. This House has a right to know the reasons which influenced Her Majesty's Government, and I do not think any one can impute to the Government the slightest concealment in this matter. ["Oh!"] The hon. Gentleman who interrupts me, and who has always objected to the war, thinking that no war ought to have been engaged in, disputes my assertion. Well, I challenge him to make good his denial, and to state on what ground he thinks the Government have kept back the reasons which influenced them. No one is more capable than the hon. Gentleman of refuting my assertion if it be untrue, and I only wish he would appeal to the House and to the country as to the justice of his opinion on this point. I say that Lord Clarendon has stated fully and explicitly the reasons for the rejection of the proposition last made by Austria.

Before, however, I allude to the arguments used by my noble Friend the Foreign Secretary for the rejection of the proposal based on a system of counterpoise, I will notice the statement of the hon. Gentleman, that a secret article was inserted in the treaty proposed to be adopted by Austria, in which she bound herself in a certain contingency to go to war. Now, he omitted to notice the answer of Lord Clarendon with reference to that secret article in his despatch of the 8th of May. The noble Lord, in his despatch to Lord Westmorland says—

> "I then proceeded to state that Her Majesty's Government could not attach much practical value to the engagement of Austria to make, at some future period, a *casus belli* of the increase of the Russian fleet beyond a given amount, for she had already declared that it was beneath her dignity to discuss numbers, and that she could not admit that the question of peace or war should turn upon eight or ten ships of the line; and if such were the case now, when circumstances would enable Austria to go to war with advantage, what prospect would there be of her doing so some years hence, under circumstances likely to be far less favourable, for the very same cause, though in a lesser degree, that she would not now entertain."

I refer to that passage in consequence of the observations made by the hon. Gentleman with respect to what fell from me on a former occasion, when I said that in considering the proposal made by Austria Her Majesty's Government had no reason to assume with certainty that if they had agreed to that proposal, and it had been rejected by Russia, the rejection of it would have led to an immediate declaration of war on the part of Austria. My hon. Friend has quoted the speech of my noble Friend the Member for London, in order to show what his impression was with regard to the intentions of Austria in proposing this *ultimatum;* but I must say, after searching these papers through from beginning to end, that I can find no explicit assurance in writing, on the part of Austria, that if her proposal had been acceded to by England and France, and rejected by Russia, its rejection would immediately have placed Austria by the side of the belligerent Powers. The hon. Gentleman says that Count Buol has stated in his despatch of the 20th of May that such was the intention of Austria; but the House must remember that that was after the Austrian proposal had been considered by England and France, and when she knew that they had rejected it. I have already read the passage in Lord Clarendon's despatch in which he alludes to a *casus belli* as proposed by Austria, and I will now read the remarks of Count Buol upon that statement. In his despatch to Count Colloredo, dated the 20th of May, he does not say that Lord Clarendon misunderstood the intentions of Austria, but he says—

> "Lord Clarendon does not attach much practical value to this stipulation, since, he says, Austria has already declared that she could not admit that the question of peace or war should turn upon eight or ten ships. But we may be permitted to remind his Lordship of the immense difference that exists between our attitude in the actual state of affairs, while we are still free to determine as to the question of war, and the contrary position in which we should be placed were the case of war once clearly defined and stipulated by treaty. In this contingency no one can doubt that Austria would scrupulously act up to the engagements she contracted."

That is the answer of Count Buol, and it will be seen that he neither says that Lord Clarendon had misunderstood him, nor that a declaration of war would have immediately followed the rejection by Russia of the Austrian proposal. I look in vain for any assurance on the part of Austria addressed directly to the British Government that if they accepted the proposition and Russia rejected it, she would immediately consider the rejection of it a cause of war. I wish to be clearly understood upon this point. I am not contending that it was not the intention of Austria to act in the manner in which my noble Friend (Lord J. Russell) was led to believe, from conversations which he had with Count Buol, she intended to act; neither am I imputing a want of good faith to Austria:—but the Government have been charged with rejecting a proposition after being distinctly informed that if it was accepted by them and rejected by Russia the rejection of it by Russia would have ranked Austria upon the side of the allies, and I wish to show that at the time when our decision was made we had no such explicit intimation of the intentions of Austria, as could enable us to infer, that even if Russia rejected the proposition she would immediately have declared war.

I will now refer for a moment to the reasons which were given by Lord Clarendon on the part of Her Majesty's Government for rejecting the proposition of Austria. In his despatch to Lord Westmorland, dated May 8, he says—

> "I reminded Count Colloredo that Austria was pledged to put an end to the preponderance of Russia in the Black Sea, and I asked how that pledge would be redeemed by the proposal that the allied armies and fleets should withdraw from the Crimea and the Black Sea, and that England, France, and Turkey should agree by treaty that the naval forces of Russia should be re-established in that sea, the same in number and in power as before the war, which amount we had constantly declared, and Austria had agreed with us in declaring, was a menace to the Ottoman empire, and to the peace and equillibrium of Europe. I said that on a former occasion I had expressed, in strong terms, to Count Colloredo the opinion of Her Majesty's Government upon this proposal, and it was hardly necessary to inform him that that opinion was unchanged. It was unnecessary, I said, to inform Count Colloredo that Her Majesty's Government desired peace, but they would prefer the continuation of the war to a peace that would not be honourable or likely to last, and which would not effect the objects we had undertaken to secure for the maintenance of the Ottoman empire, and the future tranquillity of Europe."

The reasons, then, which influenced Her Majesty's Government in rejecting the proposal of Austria were these:—They thought that that proposal did not contain the elements of a safe, lasting, and permanent peace, but that, based as it was upon a system of counterpoise, it would effect nothing further than a hollow truce, liable at any time to break out again into open war, and, perhaps, with greater advantage to Russia in the prosecution of the war. Lord Clarendon goes on to say—

> "If, therefore, Austria can discover such a scheme it will not only be favourably considered by Her Majesty's Government, but will be to them a cause of the most sincere satisfaction; but it must be a scheme that will be effectual for its purpose; it must impose conditions on Russia, and not be a scheme by which the allies are to impose conditions upon themselves, leaving in the Black Sea complete freedom of action to Russia."

The whole of this despatch is well worth the consideration of the House, and I have no doubt the attention of hon. Members has been drawn to it, as it states in clear terms what I consider to be unanswerable objections to the proposition of Austria, and clearly and distinctly shows the precautions which ought to be taken for securing a lasting and permanent peace. In other despatches Lord Clarendon expresses opinions of a similar character, and in dealing with the further proposal subsequently made by Austria, and brought forward at the last conference, before the negotiations had actually terminated, he says, writing to Lord Westmorland:—

> "Your Lordship will convey to Count Buól the best thanks of Her Majesty's Government for this communication, which they regard as a fresh proof of the goodwill of Austria, and of her earnest desire to promote the restoration of peace; and you will state to his Excellency that Her Majesty's Government consider that they would be wanting in the frankness and good faith which have hitherto characterised the proceedings between Austria and the Western Powers if they hesitated to make known the objections they entertain to the course which Count Buol proposes to adopt, and the grounds on which they think that the engagement taken by his Excellency at the last conferences will not be effectually carried out by a project which he says he expects that Russia will reject, and which cannot be acceptable to England and France."

In reference to this last proposal, I admit that it was explicitly stated on the part of Austria that she believed it would be rejected by Russia, and that she would not make its rejection a *casus belli*. Writing to the Earl of Westmorland on the 2nd of June, Lord Clarendon says—

> "I expressed my entire concurrence with Count Buol as to the desirableness of limiting the political power of Russia; but instead of entering upon a new problem, the practical solution of which was not even alluded to by Count Buol, I thought it would be more prudent for the allies to confine themselves to the question at issue, which was how to give effect to the third basis, and to put an end to the preponderance of Russia in the Black Sea, and as yet no way so simple or so effectual had been discovered as such a limitation of her naval forces in that sea as should render their amount consistent with the safety of Turkey. In his despatch to Count Colloredo, Count Buol expresses his firm conviction that the proposal of Austria for giving effect to the third basis would be effectual, complete, and in conformity with the interest of Europe; and his Excellency adds that its rejection by the Western Powers does not permit Austria to cast exclusively upon Russia the responsibility of the failure of the negotiations. Upon this I remarked that England and France, being at war with Russia, and having made vast sacrifices, must be allowed to judge for themselves on what terms they could make peace consistently with their honour, and with the objects for which such sacrifices had been made, and that the necessity under which they felt themselves of declining the proposals of Austria proved that, in their judgment, those proposals were neither effectual nor complete, nor likely to be for the advantage of Europe. But Russia, I said, had rejected terms that Austria thought reasonable in themselves and necessary

for the peace of Europe, and that were not inconsistent with the dignity of Russia; and because she had so rejected them, and because the Western Powers could not agree to conditions that Austria has since proposed, and which are altogether different and ineffectual for their object, it is surely unjust to say that England and France oppose obstacles to peace, and that Russia is no longer exclusively to blame for the failure of the negotiations. I must also, I said, express my regret that Count Buol should now be of opinion that the proposal to limit the naval forces of Russia could only be considered as one of the conditions which the belligerents had expressly reserved to themselves the right of imposing beyond the Four Points, and which the continuation of hostilities might render necessary; for his Excellency, to the best of my belief, had not regarded the proposal in that light, even when discussing it with the Plenipotentiaries of England and France, and he had supported it in the conference, and had recommended it to the acceptance of the Russian plenipotentiaries, as the best means for giving effect to the third basis. The object of the third basis is to put an end to the preponderance of Russia in the Black Sea; the limitation of the Russian fleet in that sea comes then strictly within that object, and is not a distinct and separate proposal apart from the four bases, and such as the allies reserved to themselves the right to bring forward, according as the events of the war might make it necessary. I requested Count Colloredo to assure Count Buol that we did not, as he supposed, exclude by anticipation any other project that would be equally efficacious; but that we declined, and must continue to decline, all such means as are manifestly ineffectual for the objects we have in view. Count Colloredo observed that some sacrifice should be made to secure the alliance of Austria. I said I entirely agreed with him, and that we had shown all possible deference to Austria. It was solely out of deference to her that England and France had agreed to the four bases, and had consented to enter upon negotiations for peace. It was to meet the views, and to secure the co-operation of Austria in a cause which might be considered essentially her own, that England and France adopted a course which they would not otherwise have pursued until the events of war had more distinctly defined the relative position of the belligerent powers. Count Colloredo then adverted to the great interests which Austria had at stake, and the risk she would incur by going to war with Russia without being able to reckon upon the material support of the Western Powers, while she would have to fear the ill-will, if not the hostility, of Prussia and of some of the German States. I said that, so far from questioning these considerations, Her Majesty's Government gave great weight to them, and never failed to make allowance for the disadvantages under which Austria thought herself labouring. It was for Austria to decide between the considerations alluded to by Count Colloredo, and the engagements she had entered into with the Western Powers; but whatever her decision might be, and whatever view Austria might take of her own interests and obligations, no effort on the part of Her Majesty's Government would be wanting to maintain unimpaired the friendly relations that now existed between the two countries. On the other hand, however, we must claim to be the best guardians of our own honour and the best judges of our own interests, and Austria would have no just cause of complaint if we declined to accept conditions which we might regard as inconsistent with our honour and ineffectual for the objects that England and France had pledged themselves to secure."

I have read these extracts to the House because they explain distinctly the grounds upon which Lord Clarendon, in the name of Her Majesty's Government, thought it his duty to reject the propositions made by Austria. Possibly other considerations might have influenced the minds of some Members of the Cabinet; but the case of the Government is contained in these despatches. They conceived that the proposals made by Austria, taking all the circumstances into account, were not proposals which they were justified in accepting, as being calculated to lead to that result which is the great object of the war—namely, a satisfactory and permanent peace; but that those proposals would leave Russia in full possession of the means of encroachment upon Turkey which she has so carefully cherished, and that we should be sacrificing the interests we are bound to maintain if we agreed to make peace upon the basis contained in these propositions.

The hon. Member for Wick (Mr. Laing) has stated fairly and candidly the arguments which, as he says, seem very nicely balanced between the one proposition and the other. He has dealt with the argument, that an armed truce, and not a peace, would have been the result of adopting the proposition of Austria. He does not deny that an armed truce, and not a permanent peace, would have been the consequence of adopting that proposition; but he says that, an armed truce having formerly existed in the Mediterranean between England and France, an armed truce in the Black Sea between the allied Powers and Russia would be no more objectionable. If we had adopted the proposition of Austria, we should have been compelled to maintain a large war establishment at Malta; but compare the distance between Malta and Constantinople, and between Sebastopol and Constantinople. Russia might have kept up her fleet at Sebastopol to any amount; and she might have collected there an overwhelming force which might at any time have attacked Constantinople. But does the hon. Gentleman really believe that the objects contemplated by the proposal of Austria could have been carried out by our maintaining a war establishment at Malta, and sending a few cruisers occasionally into the Black Sea? Those cruisers might have seen some ten, or twenty, or thirty sail of the line preparing at Sebastopol; they might have returned and reported the fact to the Commander in Chief of the fleet at Malta; remonstrances might have been addressed to Russia on the part of Her Majesty's Government; but Russia would reply, "You have yourselves agreed to a treaty by which we are entitled to maintain our fleet to any amount in the Black Sea, and we deny that we have any aggressive intentions." Well, in such a case, what course must have been taken by the allies? The whole English and French fleets must have been sent to the Black Sea, where they have no ports of refuge beyond the Bosphorus, in order to prevent an anticipated attack upon Constantinople. This could not be considered either a peace or an armed truce, it would be in fact a declaration of war accompanied by a blockade of Sebastopol. When the hon. Gentleman spoke of the proposed limitation as an agreement only upon paper, whereas the other was a working plan, I suppose he meant that although Russia might, in the first case, have solemnly bound herself by treaty, she would have altogether disregarded her obligations and would have kept a fleet in the Black Sea for the purposes of aggression. But if treaties are not binding upon Russia it is useless to negotiate, and the only mode of restraining her ambition is by the maintenance of an armed force on the part of the other European Powers which may be sufficient to curb her power.

I have called the attention of the House to the documents which have been laid before them, to the instructions given to my noble Friend (Lord J. Russell), and to the correspondence which has taken place with reference to the Austrian proposals, in order to show the grounds upon which Her Majesty's Government, necessarily acting in communication and concert with the Government of France, thought that, consistently with their duty, they could not adopt such proposals. The hon. Gentleman has, however, stated some general reasons which he thinks, in the nicely balanced argument between limitation and counterpoise, weigh in the balance for counterpoise as against limitation. The hon. Gentleman has said that the alliance between this country and France may be hazarded by a protracted war. Now that is not an argument for concluding a peace upon terms which the Government may deem inconsistent with the honour and interests of this country, with the security of Turkey, and with the welfare of Europe, but against entering at all, in concert with France, into a war which no man of any foresight could conceive would be brought to a conclusion within a short period. The hon. Gentleman says that in April, 1854, the war was just and necessary, and he rejoices that we entered upon it in conjunction with France; but now he says, although the terms of peace offered are not such terms as ought under the circumstances to be accepted, I think you ought to have accepted them on account of the imminent hazard in which the alliance between this country and France is placed by carrying on a protracted war. I was certainly astonished to hear such an opinion expressed by the hon. Gentleman, who says that Her Majesty's Government were justified in entering into war in 1854. But has the hon. Gentleman any right to assume that France would have been willing to make peace upon the terms proposed by Austria, and that the intimate alliance between the two nations would not have been endangered if Her Majesty's Government had accepted terms of peace which France might have thought dishonourable to herself, unsafe for Europe, and which would have failed to attain those great objects with which the war was commenced? I certainly think the alliance with France would be more likely to be endangered by the adoption of the course suggested by the hon. Gentleman than by proceeding hand in hand with France in the vigorous prosecution of the war, which France has shown her determination, by the exertion of all her powers, to bring to a satisfactory and honourable conclusion.

The hon. Gentleman has referred to the evils of war and the blessings of peace, and I most cordially concur in the opinions he has expressed on that subject. No one feels more than I do the responsibility which attaches to any man connected with the Government of a country who hastily and inconsiderately consents to involve that country in a war of the justice and necessity of which he is not fully convinced. I feel also the responsibility attaching to any Government which continues a war for a single day beyond the period when the objects with which it was undertaken may be safely and honourably attained, and when the war therefore ceases to be just and necessary. The real question is, would the objects of the war have been attained by the peace which the hon. Gentleman thinks might have been made? If those objects could have been attained, the terms offered ought to have been accepted; but if not, they ought to have been rejected. The hon. Gentleman has also spoken of the hazards to which we are exposed by a continuance of the war. Here, again, this is a matter which necessarily entered into the consideration of those who engaged in the war, and then more than now was it necessary to consider all the risks to which the country would be exposed by entering into a contest with so gigantic a power as that of Russia. While I should be the last man to speak in the language of overweening confidence; and while I think such language would be inappropriate and unbecoming, at the same time I must say the language we have heard, not from the hon. Member, but from others in this House—the dispiriting language of gloom and despondency—is wholly inappropriate to the circumstances in which we are placed. I think we have no reason to be dispirited and discouraged because we have not brought the war to a successful termination within twelve months of commencing active military operations. I think, too, we have a right to feel confident, without speaking in a boastful spirit, that whatever can be effected in the field by the devoted gallantry of the soldiers of France and England, who fight side by side and share equally in the glory and hardships of the war, will be accomplished. Of this I am, at all events, convinced, that the country and a majority of this House do not partake of those feelings of discouragement and gloom which it is the object of some hon. Gentlemen to instil into the minds of the people. They know what are the resources of this country. They believe the war to be just and necessary, and believing that, they do not concur in the censure attempted to be cast upon Her Majesty's Government for not accepting terms that would have left in the hands of Russia those means of aggression, which Russia has shown a determined resolution not to part with, which we may be sure, from her language and her acts, would be used on the first favourable occasion in the prosecution of her avowed designs of ambition and encroachment, and which are not only inconsistent with the security of Turkey, but with the permanent peace and security of Europe.

MR. GLADSTONE:* Mr. Speaker, it appears to me, Sir, that the Motion which you have put from the chair, and which may be regarded as the immediate subject of debate, is a matter of small account. So far as regards that Motion, I entirely agree with the right hon. Gentleman (Sir G. Grey) who has just sat down, and who illustrated and enforced his opinion at some length, that the granting of these papers is a matter for the judgment of Her Majesty's Government, and that the hon. Member who has raised this debate would act unwisely if he attempted to force the Government, should they, in the exercise of their discretion, decline to produce them. Waiving, therefore, all reference to that Motion, I come to the speech of my right hon. Friend; and, again, with regard to that speech, I must distinguish the opinions and views of my right hon. Friend from the statement of facts and circumstances which he gave us in relation to the late negotiations.

As respects the opinions of my right hon. Friend, they appear to me to be moderation itself. Passing beyond the mere generalities in which, perhaps, we are all too apt to indulge—protesting, on the one hand, that we are too deeply sensible of the evils of war, and, on the other hand, that we will not stoop to buy peace with dishonour—passing over these vague generalities, which are bandied to and fro without any sort of profit between persons ranged on different sides of the question, my right hon. Friend has told the House, if I understood him rightly, that limitation itself—the limitation of the Russian forces in the Black Sea—was not to be regarded absolutely as a *sine quâ non* of peace in negotiations which may hereafter arise. My right hon. Friend has made that, which I think an important communication, considering the character of the person from whom it comes, and from what high station it is uttered. Moreover, while he has told us that limitation of the Russian fleet is not to stand before the world in the character of an absolute condition of peace, he has told us of no other absolute condition of peace which is to come into its place. The effect of his speech, therefore, as far as it goes, is to restrict the scope of the objects and terms for which the Government is contending; for he appears to have withdrawn from the catalogue one of the objects on which at a certain stage so much has turned and with such fatal consequences, and to have inserted nothing in its place. But, then, it appears to me that the right hon. Gentleman, with all the moderation of his views and opinions, has only made more glaring the false position in which he stands; for what are the Government about? They are prolonging a war which costs the allies in money not less than 100,000,000*l.* per annum, together with a loss of lives which will, I think, not be very greatly overstated at 1,000 a-day for all parties to the war taken together. To justify the prolongation of such a war in defiance of the weight, as I think of reason, but at any rate, and beyond all dispute, of authority, which is marshalled against it, requires, I think, stronger opinions than my right hon. Friend has expressed, and larger and wider objects than his. Indeed, while we are called upon to make efforts so gigantic and sacrifices so tremendous, I have the utmost difficulty in conceiving what image of an end is in his mind, and what he proposes to himself as an adequate purpose of the war, to give warrant to the extraordinary steps that we have taken, and to the extreme courses in which we are engaged.

And now, with respect to the statement of facts made by my right hon. Friend. Here I am at issue with him on every point. If my hon. Friend the Member for Wick wanted any justification for raising this discussion, he would, I think, find it in the confused and perplexed state in which the narrative of these events yet stands before this House and the world; for well may they find it impenetrably obscure, when I can undertake to show that the speech of a man in the position, and with all the knowledge, ability, and integrity of my right hon. Friend, presents a distorted view of those facts, and does not at all raise the issues upon which this House will have definitively, and I trust before any very long time, to judge. If we were to take our views from the speech of the right hon. Gentleman, those who have listened to it might believe that the whole case before us turned upon the difference between the two projects of counterpoise and limitation. But I will show that it is no such thing. And, again, it might be supposed, from the speech of my right hon. Friend, that there had not been proposed to us, or not proposed to us in due time, by Austria, any set terms on the rejection of which by Russia she would go to war. And this I understood to be a capital point in my right hon. Friend's speech. I think he thus represented to us the case; he said that when a proposal was made, at the end of April, it was rejected by the allies, and it consequently gave to Austria no opportunity of going to war to enforce it; and that, when the proposal of limitation was made in June, Austria declared, as he states, that she would not go to war for the sake of that proposal if Russia should reject it.

Now, Sir, I shall have to contest the general representations of the facts as they have been stated by my right hon. Friend; but, before I go to the consideration of those facts, I must say how deeply I feel that an accumulated and peculiar responsibility in this matter must rest upon the head of Her Majesty's Government. It is not purely the responsibility, although God knows that is great enough, of having chosen the alternative of war, and rejected the alternative of peace, for I will admit there would have been, under the present circumstances, an equal responsibility in making an opposite choice; but it is the position they have assumed, and the proportionate share they have had in bringing about this result, which has made them, and us through them, the principals, and all other parties only in a manner secondary and accessory in the prolongation of the present war.

My noble Friend the Member for the City of London (Lord J. Russell), who was also the Plenipotentiary of Great Britain in the Conferences at Vienna, on the 18th of April transmitted a proposal of Austria, which was approved of by my noble Friend, not, perhaps, upon its abstract merits, but rather, I apprehend, with reference to the circumstances of the case, and the whole interests involved in the decision. That proposal was also approved by the Plenipotentiary of France. It was, moreover, approved or, at the very least, favourably received, if not formally and definitely approved, by the Plenipotentiary of Turkey, and in the last place it was, of course, entirely approved by the Plenipotentiary of Austria. This proposal was sent home by the noble Lord, who was the organ of the Government, and not only the organ of the Government, but a member of the Government; who, moreover, as the organ of the Government, was entitled to something more than the ordinary consideration of a plenipotentiary, from his high station, his distinguished abilities and career, and especially from the fact that he had been all along cognisant of the views of the Administration, and had shared its counsels at every stage of this difficult and momentous question. That noble Lord made in writing a formal request that the consideration of this proposal should, if it were not accepted, at any rate be reserved until after he came home. Well, what was the course taken by the Cabinet upon the receipt of that request? My noble Friend's despatch was written on the 18th of April. It was received on the 21st, and on the same 21st goes forth from the Foreign Office a despatch of great ability and detail, written by Lord Clarendon, expressing the surprise and regret with which he had received through Count Colloredo from Count Buol that very same proposal, and condemning it without reserve from the first line to the last. By such an act as that, it must be admitted, the Cabinet have incurred a heavy and peculiar responsibility.

But my noble Friend came home. I am not sure of the precise date of his arrival, but when he came home, not daunted by what had occurred—if, indeed, he were at the time even so much as cognisant of it—he made his proposal to the Cabinet of which he was a member. My noble Friend, in his speech in this House on the 16th of July, appeared to be restrained by imperious considerations from explaining the nature of the transactions that occurred during a particular and most eventful week, which my noble Friend defined chronologically, if I remember right, as the week which began on the 30th of April, and ended on the 5th of May. We were only given to understand, that circumstances occurred during the course of that week, which influenced the British Government in the rejection of that proposal of the Austrian Government. For myself, as I can do no more than echo the popular construction of certain oracular phrases that have been used, and state what the public out of doors understood by these mysterious circumstances, there can be no reason why I should use reserve in the matter. The public understood that it was already the decision of the French Government to reject the Austrian proposal; that that decision formed a new fact in the case, and had either wholly, or in great part, led to its corresponding rejection by the Cabinet of Great Britain. But, Sir, I am bound to say that in my belief it was not to the French Government, but to ourselves, that the responsibility of that rejection is mainly and substantially due. There are signs and tokens, that are not to be mistaken, in proof of this opinion of mine; because there was published in a Belgian newspaper an account of the resignation of M. Drouyn de Lhuys, which appeared in Paris in the columns of the *Moniteur*, a journal of which the contents are understood to have in the strictest sense an official authority; so that it is not too much to say that the direct sanction of the Government was by that publication given to the statement in that letter. And does that letter bear out the belief entertained by many, that we rejected the proposal of my noble Friend because the French Government had already decided upon its rejection? Why, what did the Government of France, through its own official organ, say, and, as I think, say wisely, on this subject? These are the words of the statement in the *Moniteur*. I am obliged to cite them in English as they were rendered in English journals, for I have not seen the original French:—

> "It is certain the English Government decided on rejecting it (the Austrian proposal) The Emperor, therefore, had the same motives for refusing it—that is to say, that it did not offer such a peace as would give sufficient guarantees to the Powers which had made so many sacrifices to defend and secure European right. His Majesty had, moreover, a desire to maintain in all its integrity and force the alliance with England, and the feeling of that Government on the question being already known, had, beyond any doubt, a certain weight with him."

Therefore, upon the authority of the French Government, it is published to the world—and, if it be a merit, let the Cabinet have the full credit of it, for it is an answer to the charges made by the right hon. Gentleman opposite (Mr. Disraeli), to the effect that the British Government was about to conclude a peace when it was checked by the refusal of the Emperor of the French to concur—I say it stands recorded before the world by the declaration of the French Government, that it was the anterior decision of the British Government to reject the proposal of my noble Friend the Member for the City of London, which had naturally influenced the Emperor in his decision. Here, then, I say, is another proof of a heavy and peculiar responsibility resting upon the Government.

Nor, Sir, is even this all, though it is much; for when the House of Commons was invited by the publication of the protocols to give its opinion on the negotiations, we were not put in possession of all the facts, but the Government of this country placed us in a peculiar and disadvantageous position. I think it will not be disputed that, when, at the end of May and the beginning of June, we debated the question of the war, it was not only upon imperfect, but even upon garbled information with reference to the most important points at issue. I myself, standing in this very place, and many other Members of this House in different parts of it, argued the case as likely to occur, that if the negotiations should be broken off, they would at any rate be broken off by the Western Powers, with Austria upon their side, and, further, that there was no alternative presented to our choice as the means of escaping from the war but one or the other of the two proposals of Russia. And now at length it has appeared, that with regard to both of these fundamental propositions we were entirely mistaken; and although the information that would have undeceived us was then in the possession of the Government, we were called upon to vote a solemn declaration—not, indeed, in the shape of an address to the Crown, but yet a deliberate announcement at the least—of our intention to support the Crown in the prosecution of the war, we being entirely in the dark, or rather being wholly misinformed and misled as to the terms upon which peace might then have been obtained, and as to the parties by whom these terms were proposed and supported. All these things point to the same conclusion, namely, that an extraordinary responsibility rests on the heads of Her Majesty's advisers, and that if they have been right in the decision at which they have arrived, and to which they have been the chief and peculiar means of bringing Europe, then they are entitled to claim the exclusive fame and glory of that decision; but, if they have been wrong, they are as highly and peculiarly responsible; and they cannot plead the French alliance, and the fear of offending France, as an excuse; for the French have already, with great judgment and sagacity, put on record that what they did was done for fear of offending us; so that they leave the burden resting upon the advisers of the Crown. But if there be this peculiar responsibility upon the heads of the Government, then, as they are responsible to the House of Commons, it is upon us, the Members of the House of Commons, that it must ultimately fall. And now, Sir, I may observe that great praise has been given to my noble Friend the Foreign Secretary on account of the despatches on the Eastern question which have recently been presented to Parliament: this, we are told, is the tone required by the honour of the country; my right hon. Friend, who preceded me in the debate, even thought it worth while to quote the expressions of approbation of their spirit and energy which have fallen from Members of this House, in proof that the policy of the Government has been approved by the House and the country. I accord most freely to Lord Clarendon, as the representative of the Government, all the praise with regard to those despatches that can belong to the highest degree of ingenuity, of force, of tact, and of temper; it is impossible for the ability of the advocate to contribute more effectually to the success of his cause; but I lack in those despatches what I confess I wished to find. I lack the true tokens of such a desire for peace as its inestimable value should inspire; I lack in them the spirit in which, I do not hesitate to say, the noble Lord the Member for London would have written, and I find in them, on the other hand, a proneness to raise every possible objection against pacific proposals; to anticipate, and by anticipation to stop the way against every reasonable hope of a settlement; to place facts and opinions in such an order, and to handle them in such a manner, as, if possible, to show a case for the carrying on of the war. In speaking thus of the tone of the papers, I do not, of course, suppose that my noble Friend would not be the first to embrace the hope of an honourable peace if he could satisfy himself upon the terms; but I speak of the attitude into which his mind has unconsciously and not unnaturally been thrown.

Now, let us come to the facts before us, and in examining them, there are two points to be kept in view. In the first place, would the objects of the war have been sufficiently accomplished by the acceptance of any of the proposals of peace which have been at our command? In the second place, even if those objects would not have been achieved in the degree which we think desirable, have we, notwithstanding, good reason to believe that it would have been wiser to take the comprehensive view which was taken by my noble Friend the Member for London at Vienna, and, bearing in mind the importance of maintaining the great combination with which we have been acting, to come to an accommodation? As respects the means offered you for securing the objects of the war, you have had an extraordinarily copious collection of alternatives before you. Those objects were defined by what are well known as the Four Points or bases, but it is unnecessary to detain the House with the consideration of the first, second, or fourth of the points, or with the first portion of the third; because the first and second, with the first part of the third, were settled at Vienna; while no obstacle was offered, or expected to arise, on the part of Russia, to the settlement of the fourth. Well, then, Sir, you have had no less than seven different plans for what is termed the solution of the second part of the third point. The first was the plan of neutralisation referred to by my right hon. Friend, which never saw the light, but remains in the limbo of things that have but half existed; because at a preliminary meeting of the Plenipotentiaries of the allies, in April last, it was agreed that unless Austria joined in supporting it, which she proved to be unwilling to do, it should never be proposed. Then came the plan of my noble Friend, which was sent home by him on April 16. That plan consisted partly of territorial provisions relating to the territory both east and west of the Black Sea, and partly of provisions as to the actual force to be maintained in the waters of the Black Sea, founded on the principle not of limitation, but of counterpoise. I do not seek to make use of it as an *argumentum ad hominem*, and I know the noble Lord attaches much value to the territorial stipulations; but so far as the waters of the Euxine are concerned, the plan is identical in principle with the second Russian proposal. However, I will not dwell upon that plan, for, like the first, it never became the subject of practical discussion. Then we had the plan of the allies—a strict and definite limitation, which was proposed and supported by them, and rejected by Russia. Then came the two plans of the Russian Government—the first founded on the basis of open Straits, with a power in certain cases of closing them; the second founded on the basis of closed Straits, with a discretionary power of opening them whenever Turkey might think her security menaced. I still, after all that has been said and done, cannot think that the second of these two plans of Russia, although it was Russian, or rather because it was Russian, offered a bad basis on which to proceed. It seems to me that it would have been wiser, taking that proposition as the starting-point of your arrangement, to introduce into it the improvements of which it was susceptible, than to reject it as it was rejected. Those five plans, however, are entirely gone by; but they, or, indeed, three or four at most from among them, were the only plans of which the House had any knowledge at the time of our former discussions on this great question. Since that period there have come to light the two plans, which may be called the Austrian plans, although if I follow my right hon. Friend in giving them that name, it must not be used *ad invidiam.* The first of them proceeded on the principle of counterpoise, and the second on the principle of limitation together with counterpoise. They were not, however, original conceptions of Austria, but were partly founded on actual suggestions from, and in other points had the approval of, the representatives of England and France. What, then, were these two plans upon which the justification of my hon. Friend the Member for Wick in raising the present debate must rest; The first proposal, that of the 18th of April, was founded on these two bases—first, that there should be a guarantee of the territory of Turkey by all the Powers; next, that, in case Russia should at any time increase her fleet in the Black Sea beyond the strength it had attained in 1853, such increase should constitute a *casus belli* on the part of all the allies. Now, my right hon. Friend almost entirely confined his speech to that proposal, in a great degree overlooking the fact that another proposal was subsequently made by Austria entirely different in character, which was only brought to the knowledge of the conference at its last meeting, on the 4th of June. The latter proposal was to this effect—that the original parties to the quarrel, Russia and Turkey, should in the first instance agree between themselves, and should subsequently propose to the conference, the amount of force which they were each to maintain in the Black Sea. *Primâ facie,* this proposal was founded on the principle of limitation; and it is obvious to remark, that if that principle be as valuable as on our side has been contended, we thus had the means given us of obtaining the recognition of it.

But long before the proposition was actually made, Her Majesty's Government had anticipated it, and had barred its adoption by the most hostile comments. They had said as early as on the 24th of April, by the pen of Lord Clarendon, that the plan of settlement by collateral agreement suggested by the French Plenipotentiary would not do, that they knew what it meant when embodied in a treaty, because in a similar case—and they instanced the Treaty of Vienna—Russia, supported by the Northern Powers, had held that an incorporation of that kind amounted only to registration. In consequence, I suppose, of this argument—at least no other ground is alleged—we refused even to take into consideration the second Austrian proposal at the conference of the 4th of June; and chose rather to put an end to the negotiations. Now, what is the responsibility we have incurred with respect to these two proposals? The first proposal, founded on the principle of counterpoise, was made with the authority of all the Plenipotentiaries at Vienna; with the authority of the noble Lord the Member for London; with the authority of the French Plenipotentiary, who attested the sincerity of his convictions by resigning his office; and if my noble Friend did not take a similar step, it was because he thought—rightly or wrongly—that high political exigencies demanded from him the sacrifice of the views he had so strongly entertained and urged; further, the Turkish Plenipotentiary had given that proposal a favourable reception; and it had become at that time the proposition of Austria itself. Now, Sir, I venture to say, without fear of contradiction, that long as this war may last (and doubtless it may last long), you never will overcome the significance and importance of this fact—that all the Plenipotentiaries of all the Powers (Turkey included) assembled at Vienna, the Austrian, French, and English Plenipotentiaries being likewise either chief ministers or high ministers of their respective Sovereigns, with one mind and one consent urged that proposal upon their own Governments respectively. You will never get over the weight and moment of that fact; and it is vain for you after this to think of regaining the opinion of Europe. That opinion cannot be upon your side, in defiance of such a weight of evidence, of a kind so palpable in its nature to the general apprehension, as that one fact brings to bear upon the reasonableness and righteousness of the proceedings of the respective parties at Vienna. I say, then, Sir, without a moment's doubt, that even the first proposal should have been accepted; but, turning to the second, I confess that I have been astounded upon discovering how cavalierly it was dealt with. This second proposal offered you the alternative of limitation, and of limitation together with counterpoise; because it did not stop with providing that the Powers should themselves propose an arrangement as to their respective naval forces that should become an integral part of the treaty, but it likewise gave Turkey the right to open the Straits in case of danger. And, although I do not think the terms in which this power was reserved to Turkey were quite satisfactory or large enough, yet, taken in connection with the comment of Count Buol, I find it was, beyond all doubt, intended that they should be made effective, so as to enable the Porte to call in the aid of its allies whenever it deemed its security to be menaced. And why, Sir, do I say that this proposal was entitled to a formal consideration in the conferences? Upon this account—that it had already been declared by the Plenipotentiaries themselves to be preferable to the other proposal, to which other proposal they had formerly given their assent. If you refer to page 11 of Papers No. 15, you will see that at a meeting of the Plenipotentiaries on the 17th of April, it was determined that this course should be adopted in the conferences; that they should propose to Russia, first of all, the strict limitation desired by England and France; next, the plan which some time afterwards became the second Austrian proposal; and, lastly, the plan which very shortly afterwards became the first Austrian proposal. Now these plans were at that time arranged in the order in which they were considered to stand upon their respective merits; and, therefore, the proposition of counterpoise and limitation received the sanction of the four Plenipotentiaries even in a higher degree than the project of counterpoise alone. Yet that plan, when brought before Her Majesty's Government, nay, even before it was regularly submitted to them, was summarily rejected, and the members of the conference, when they met on the 4th of June, were not even allowed to discuss it.

And now let me advert for a moment to the argument that you cannot trust to a limitation which is effected by a collateral agreement. Why cannot you trust to such a limitation? Because, you say, there were certain engagements of this class collaterally introduced into the Treaty of Vienna, of which Russia, with the other Northern Powers, considered the insertion in the treaty as only having the effect of a record or registration. Well, what could be easier than for us to provide that the incorporation of such an instrument should not be a mere registration, but should render it, as, indeed, the Austrian proposal in distinct words declared, an integral part of the treaty? First of all, then, we have rejected the opportunity of making peace upon the first Austrian proposal, because we thought the difference between counterpoise and limitation so great, that while we might accept limitation, we could not accept counterpoise; and next, when we had the offer of counterpoise and limitation combined before us, the limitation, however, being reduced to a form that saved the honour of Russia without of necessity raising any difficulty on our side as to its mere degree, we absolutely refused that proposal. Therefore, I say that my right hon. Friend is entirely wrong, and that his speech will altogether mislead the House if it induces it to infer that—wretched as we should consider such a plea by way of justification of the war—the object for which this contest is prolonged is the maintenance, with reference to the forces of Russia in the Euxine, of limitation as against counterpoise.

Again, Sir, in another point, and another point, too, which I hold to be of capital importance, my right hon. Friend's narrative absolutely demands explanation, because he gives us to understand that we could in no case have secured the military aid of Austria. I am sorry to say the great confusion in which the history of these transactions is presented to us—it may be from the fault of nobody, but probably from the necessity of the case, owing to the number of the parties concerned, and the way in which the communications have been carried on in different places at the same time—has obviously quite bewildered and deceived even my right hon. Friend; for I can show you that Austria did give you an absolute pledge, in a certain event which it was placed within your power to bring about, that she would go to war. I here state that boldly and broadly, and I challenge contradiction, of which I know perfectly well the case does not admit. The facts were these. Austria made two proposals. The first of them having been rejected by the British Government, at the commencement, namely, of the month of May, the question of Austria's going to war in regard to it never could arise, because that result was made to depend on refusals by Russia only. Austria then brought forward another proposal in the conference, after her first one had been rejected by the Western Powers; and my right hon. Friend leaves it to be supposed that when she made that second proposal she distinctly intimated that she would not go to war if Russia refused to accept it. That is the case of my right hon. Friend; and it is the truth, but not the whole truth. I admit it; she made the first proposal in April, and the case of her going to war did not arise. She made, that is, she made formally and finally, her second proposal in June, and she said she would not go to war if Russia refused it. But this is not all; my right hon. Friend has omitted from his view that upon which the whole merit of the question turns, and that which is now proved beyond the possibility of doubt—namely, that in the interval between these two proceedings a communication came from Austria which involved a junction of the two proposals, upon the collective rejection of which she was prepared to go to war. Austria did not offer to go to war for either proposal singly; but she said this:—"Let us propose to Russia these two plans jointly, and if she rejects them both we will then draw the sword." (Lord J. RUSSELL: Hear, hear!) My right hon. Friend, indeed, made a faint allusion to this part of the Austrian communications, and said it was made after the decision had been taken by Her Majesty's Government. After what decision? Why, after the decision to reject the first Austrian proposal, but before the conference at which the second proposal of the same Power was rejected. Before that conference, and therefore while everything was still open, Her Majesty's Government received from Austria the communication from which I shall read a very brief extract; and, with this document in their hands, they sent fresh orders to the conference, or allowed orders previously sent to operate there, which absolutely closed the door against a settlement. The passage which I shall quote has already been referred to by my hon. Friend (Mr. Laing), but as it is of such deep importance in this controversy, and as the matter has really been so much obscured by the inadequate and misleading statement of details which has been made by my right hon. Friend, himself, as I have shown, misled, I may be forgiven if I read a few lines from it to the House. The words in question are contained in a letter from Count Buol to Count Colloredo. My right hon. Friend said something about the want of direct communication with our Government on the part of Austria. I trust that he does not intend to take his ground upon that distinction. The distinction between limitation and counterpoise is, I think, narrow enough as a ground for war. I hope we shall not add to it some other distinction between a direct communication from Austria, and a communication through Count Colloredo, the Minister of Austria. This letter, which I shall now quote, was addressed by Count Buol to Count Colloredo, and was communicated by the latter directly to Lord Clarendon. In his hands it was left on the part of the Austrian Government, whose entire authority it therefore carried, and upon whom its contents were thus absolutely binding. The words are these:—

> "As to the third principle, we have proposed to our allies, at the same time binding ourselves in case of need to support it by force of arms, a solution which it is our firm conviction would be effectual, complete, and agreeable, to European interests."

Something has been said about these words referring to a *casus belli* occurring hereafter if Russia increased her fleet beyond her strength in 1853. The paragraph which follows entirely disposes of such a construction, for it at least indisputably applies not to any contingency to arise hereafter, but to an immediate participation in the war now raging;—

> "If Russia, being placed in a position to agree to one or other of these proposals of the *ultimatum*, had rejected both of them, we should then have had proof that she will decidedly not give her assistance to the complete realisation of the third guarantee, in so far as its object is to put an end to Russian preponderance in the Black Sea. It being impossible, therefore, to do else than consider as exhausted the means of conciliation for bringing about such a peace as the interests of Europe, and our own in particular, require, the Emperor, our august master, decided to have recourse to arms as a means of obtaining this peace."

[Mr. WILKINSON: What is the date of that document?] It is dated Vienna, May, 20. We do not know the precise date at which it was communicated to Lord Clarendon, but it is clear it must have been before the 2nd of June, for on that day Lord Clarendon writes to Lord Westmorland on the subject of it; and it was not till the 4th of that month that the second proposal itself was formally submitted to the conference, and the door closed upon negotiation by the direction of the Government of England, acting, I presume, in conjunction with that of France. Therefore, having the promise of Austria to make a double proposal to Russia, involving two alternatives — the one counterpoise alone, and the other counterpoise with limitation by collateral agreement; and having also her promise to go to war in the event of the rejection of both proposals, the Government refused to agree to that suggestion of Austria, and determined in preference on the continuation of the war; and while I am speaking, my right hon. Friend (Sir J. Graham), reminds me that this very idea of proposing a plurality of plans to Russia, and making the alternative of war depend on the rejection of the whole—an idea evidently conceived in a pacific spirit—owes its origin, so far as we are aware, to the noble Lord the Member for London, who closed his letter on the 18th of April with words to this effect—that if Her Majesty's Government decided on accepting any one of the three proposals made at the conference, he thought they ought to insist upon Austria making the rejection of all three by Russia a *casus belli.* So much then, Sir, for the plans of accommodation which we have refused. And I must confess that I can hardly express my feelings when I consider that we are making war, and that, too, a gigantic war, on account of such paltry differences as those which can alone be even colourably alleged between what was proposed to us and what we had ourselves proposed.

No doubt, there is in this country a strong war party, and a strong feeling in favour of the prosecution of the war, but neither the party nor the feeling is that to which my right hon. Friend the Secretary of State belongs. There are persons entertaining more extended views; they have feelings of far greater exasperation, requiring much more to allay them; they look to European changes; they look to revolutionary struggles; they look to effecting what they consider to be progress—and true progress by pacific means we all desire to see accomplished—they look to effecting progress, in the sense of their opinions, by means of the sword; others, without proceeding to such lengths, have vague, and as I think somewhat visionary views, of humbling our enemy: but there are, I may venture to say, none that look for limitation instead of counterpoise, or that consider such a difficulty as that (which difficulty, however, we are no longer entitled to say exists), in the arrangement of terms of peace to constitute a justification for the continuance of the war. I recollect, indeed, that my hon. Friend the Member for Kidderminster (Mr. Lowe) has expressed a good opinion of limitation—he has even made a Motion in this House upon it. Does he recollect the fate of that Motion? How many persons adopted that doctrine of limitation, a limitation which was to be the hinge of peace and war? I doubt whether the Government would find upon a vote ten adherents in this House to the particular view which they have adopted, and yet it is for that view that we are at war. But my right hon. Friend says, and says truly, limitation was a proposal which we, who belonged to the Cabinet in February, were bound to make to Russia. We had agreed to it, as a proposal to be made, as a condition we were desirous to obtain, but we had not agreed to it as an ultimatum; we had not agreed to make, and it appears to-night that my right hon. Friend will not now bind himself to make this condition of limitation the hinge of peace or war.

I must, however, Sir, press it upon the House that, if we confine ourselves to considering the details of these proceedings, however clear and however strong our views and convictions may be, we do injustice to them. There is a deeper question at issue than the particular conditions offered and refused, or than the difference between those particular conditions. How are the aggressive tendencies of Russia to be effectually restrained? What is the war into which we have plunged? It is a war in defence of Turkey. How is Turkey to be effectually defended? Sir, in my opinion, having obtained the great and essential objects—the abolition of Russian rights over the Principalities, and the destruction of Russian claims upon the Greek Christians of the Ottoman empire—I do not hesitate to say the best plan will be, not that which looks best upon paper—not even that which in the abstract may have the best claim to our approval, but that which will command the united support of Europe. It is to the support of Europe that we must look, if we are to think of restraining Russia. Great as is the power of England and France, I defy you for any length of time to fight effectually against the fixed law of nature and course of events. You cannot by the efforts of the two Western Powers control the paramount laws which must determine from age to age the destinies of Russia. You may, by gigantic and unheard-of efforts, succeed for a moment—I grant that, although when I consider all that it involves, I cannot regard even that as free from doubt—in effecting your purpose, but your success will be bought at a fearful price, and it will be the success of a moment only. It is impossible to contemplate as a normal state of things that union and identification of the whole West, which is the first condition of such success; but, even if that could be relied on, the thing itself is impossible to be done. As Mr. Burke said, when discussing the chimerical proposition of representation for the American colonies, "You have the ocean with its 3,000 miles against you;" *opposuit natura.* So now we have, if not the great Atlantic, yet 3,000 miles of sea against us. There is but one way of maintaining permanently what I may presume to call the great international policy and law of Europe—but one way of keeping within bounds any one of the Powers possessed of such strength as France, England, or Russia, if it be bent on an aggressive policy, and that is, by maintaining not so much great fleets, or other domonstrations of physical force, which I believe to be really an insignificant part of the case, but the moral union—the effective concord of Europe. Now, what course has been pursued here? We are told that Russia is a Power from whom we are not to expect the observance of treaties—you cannot trust to her good faith. We are not told that from an unauthoritative source, for Her Majesty's Government on a former night put up their Attorney General, who expended his unsurpassed ingenuity in a detailed demonstration, amidst the cheers of this House, that it is impossible to bind Russia by treaties. Now, Sir, I am not about to claim any peculiar sanctity or purity for the policy of Russia—I am not ready to assert that for our own policy—especially I am not prepared to claim it for our policy such as it has too commonly been in the East—still less, or at any rate quite as little am I prepared to assert it for Russia. I am ready—if this really be the opinion of

Her Majesty's Government, that the observance of plighted faith is not to be expected from Russia—to accept that doctrine. I have myself recently heard that there is at St. Petersburg a considerable party of persons who hold language such as this: "What folly in our Government not to have accepted the terms offered by the allies; they should have acceded to any plan—peace would have been made, the vicissitudes of politics would shortly have separated England and France, and then we could have set at nought the stipulations of the treaty." I am told that there is a party which holds that doctrine, but, on the other hand, I am also told that there are people in Russia, as in other countries, who look upon that doctrine as the height of villany, and who desire that no peace should be made which involves dishonour to their country. I am about to show, however, the glaring contrariety of the course pursued by the Government with the arguments they employ. They say through the Attorney General, "We cannot trust Russia in regard to the observance of any terms;" but, if we cannot trust her, what is the alternative? What should we do? Why, we ought certainly not to rely on wretched stipulations, which we ourselves declare to be worthless for the purpose of binding her, but rely upon the maintenance of that union—that combination of the moral and the material strength of Europe—which you found available for the purpose two years ago, and which, but for your own acts, might be available to you hereafter. If you cannot trust to treaties, trust to something independent of and more trustworthy than treaties; trust to the enlightened sense of the general interest in the peace of Europe, for it is by that union and that common sentiment alone that Russia, or that any Power of the first order, can be permanently coerced. But, no, the Government have indeed declared treaties to be worthless; and yet, for the sake of a stipulation in a treaty which nobody outside the Cabinet thinks worth anything, which even the Secretary of State tells us is not a *sine quâ non,* and which the Attorney General proves to us Russia will not observe—yet, for the sake of it, they will dissolve the combination of Europe; they will break the last link which unites us to Germany; they will reduce us to a state of comparative isolation; they will turn the favourable current of European opinion, and, madly pressing on the conflict, which they are now doing all in their power to render desperate, they reject the golden opportunity which the mercy of Providence has placed in our way to enable us to restore peace to Europe.

Now, Sir, with respect to the great Powers of Austria and Russia, I confess I am not among those who are apt to sympathise with Russian or Austrian views on the mode of managing the domestic affairs of the States of Europe. I have but little name in the Courts of Vienna and St. Petersburg, but that little is, I fear, a bad one; for I am not supposed to admire the policy which those Powers, if they do not practise it themselves, have been, I think, too apt to countenance and support in other quarters. But that is not the question now before us. We have now to consider what our position relatively to Austria was and is. What was it? It has been idly said that we reaped no advantage from the Austrian alliance. I reply, we had various and great advantages. Austria neutralised the action of 300,000 Russian troops, of whom the first fruits are now finding their way to the plains of the Crimea, and who will soon be, if they are not already, among the ranks of our adversaries. Again, as long as we had the Austrian alliance, her occupation of the Principalities had quite a different character to that which it now bears. I cannot regard that or any foreign occupation as being in itself otherwise than a serious evil. I have often been astonished during the course of this controversy, when the occupation of the Principalities—first by Russia, and then by Austria—has been discussed, month after month, day after day, entirely as a question of the payment of some 40,000*l.* a year to Turkey, or as a violation of her rights as suzerain of the country, but never in reference to the happiness, the well-being, the freedom, or the peace of the millions of inhabitants of those Principalities. The occupation of the Principalities by Austria was, however, useful for the primary purposes of the war. You endured it, because she formed a barrier against Russia in that quarter. I do not know now against whom she forms a barrier, or whether she will hereafter practically occupy the Principalities more for us than against us. Well, Sir, these things have changed in regard to Austria, and I must say I look on the change that has been brought about as most serious with regard to the occupation of the Principalities. I think it still more serious in another point of view. After the feeble policy of Prussia, it was on the support of Austria alone you could rely to keep up anything like the character of an European combination —that character which entitled us to use the lofty language that Lord Clarendon not unbecomingly employed in the autumn, when he declined to dispute the case with Russia as between parties standing in the view of the world on a level with each other. He said, and he was entitled to say, that Europe had pronounced on the respective positions of the parties. I am doubtful whether he can now renew that lofty claim to represent Europe in the quarrel, or to act under her sanction. And I am afraid that we shall not find the change in our relative positions stop there. I think, after the refusal which Austria has received from us to her proposals, and after she has been told, as I see it stated is the case, that the Russian Government was ready to accept her most recent proposition, we must look to a gradual widening of the interval which now separates us from that Power; and it is not a little remarkable, if the common sources of information may be trusted, that, following immediately upon the diplomatic rupture, we find Austria first stripping her Polish and Russian frontier of troops, and diminishing her army on that side of the Alps, while at the same moment we hear that she is strengthening her garrisons in Italy. These are, indeed, circumstances full of meaning; and they are circumstances of which we begin to feel the magnitude and the weight when we recollect all the special pleading we have bestowed on the differences between counterpoise and limitation.

However, Sir, it is quite true that we still retain certain allies. First of all, Turkey is our ally. Is that alliance really an addition of strength? I have been reproached for having used at a former time disparaging language in respect to Turkey. If my object had been to disparage Turkey I could have said much more; and could have referred to the history of former periods, and to the part which the Turkish race had played, and the relations it had borne to Christendom. But my object was very different: it was the simple fulfilment of what I thought an imperative duty. Seeing that we were coming nearer and nearer to the likelihood of war, I was desirous, in the little I ever said on this subject, that that little should tend not to blind, but to open the eyes of the people of England, and to give them to understand what calculations it was reasonable they should make, and what reliance they could justly place on the strength and resources of Turkey to aid them in the war. It appears to me that our alliance with Turkey may be one of a similar character to that mentioned in ancient story of the land that the Ottoman Power now rules. When Æneas escaped from the flames of Troy he had an ally. That ally was his father, Anchises; and the part which Æneas performed in the alliance was to carry his ally upon his back. He addressed his parent in these appropriate words:—

"Ergo age, care pater, cervici imponere nostræ;
Ipse subibo humeris, nec me labor iste gravabit."

I commend these words, and the meaning of these words, to Her Majesty's Government, and especially to my right hon. Friend the Chancellor of the Exchequer, for he is the particular Minister to whom, I think, will belong the duty and honour which these words may imply. And, Sir, if unhappily this result shall ensue, it will be from no want of honesty on the part of Turkey, but from the fact that her Mahomedan institutions are decrepit; that the youthful and vigorous elements of European Turkey are underneath, and that the antiquated and worn-out elements of society there are situated above those which are intrinsically more fit to rule. And is it not the fact that she wants, in a great degree, the ordinary organisation and machinery of government? Is it not the fact that, in order to raise her revenues in ordinary times, Turkey has to trust, in a great degree, in many of her provinces, to the agency of military force, which of course is now concentrated and absorbed in the camps which she has formed for the purposes of the war against Russia? Her revenues, therefore, cannot be fully raised: and the habit of not paying taxes, I need hardly say, is both one which forms itself with great facility, and one which when once formed is extremely difficult to uproot. But, with regard to our ally Turkey, I am bound to say that in my belief the greatest of all the manifold dangers of this war is, that the prolongation of it must bring about the very evils which we undertook the war in order to avert. There is no plan that the Emperor of Russia could have devised so sure and effectual for his purpose of exhausting Turkey and leaving her an easy prey for the first convenient opportunity, as the plan which, though you have not devised it, you are now, it would seem, prepared to act upon—namely, that of an indefinite prolongation of the war without objects either clear or adequate. Every month, every week, and every day for which you continue the war makes more intense, more obvious, and less capable of remedy, the decrepitude and exhaustion of Turkey. I am not now about to discuss afresh the merits of the Turkish loan, but I protest on my own behalf, and I am certain I may add on behalf of my right hon. Friends near me, that the reasons which led us to go the length of recording our votes in opposition to it were not pecuniary and financial, but were strictly political reasons, had reference to the very alliances you sought to promote, and, above all, to our anxiety lest we should forfeit the attainment of the objects of this war. The very principle of guaranteeing money to Turkey is fatal, inasmuch as it creates in her a state of political dependence. You have gone to war to secure the integrity and independence of the Turkish empire, and then, in order, forsooth, to prosecute the war, you induce Parliament to pass a measure which will leave Turkey in the position of a slave. If we want a fair test of the political effects of this guarantee, let us ask ourselves what we should have thought if the arrangements we have just made had, under different circumstances, been concluded between Russia and Turkey—if Russia had been guaranteeing to Turkey, with many kind words, a loan of 5,000,000*l.*? I venture to say that such an arrangement and its accompanying mortgages would have furnished ground for a fifth point at Vienna; that we should have declared it to be totally inconsistent with the independence of Turkey, under her peculiar circumstances, that her loans should be raised under the guarantee of a great European Power.

So much for Turkey, and now with respect to Sardinia. I, for one, have the highest opinion of the honour and intelligence of that country and of its Government. Though the pressure on her finances is severe, she has gallantly borne up against it, and she has made every financial exertion becoming a nation in the highest state of civilisation. She has maintained a just balance, though with difficulty, between her revenue and her expenditure; but it is impossible to suppose that she can contribute in any sensible proportion to such gigantic burdens as this war will entail. Moreover, I must confess I begin to feel some compunction with respect to Sardinia. The invitation we gave to her to join us might be right or wrong; but it was *bonâ fide* presented by us under the belief that she was to be one in an European combination, representing the united sentiment of Europe; and now, having got her into that combination, we immediately proceed to change its character, and render it no longer a comprehensive European combination, but an isolated alliance only of certain Powers among themselves. I confess, Sir, that I am not without apprehension that we may be found to have incurred a deep responsibility with respect to Sardinia if, in carrying on this war beyond its original and proper purposes, we make her an adjunct merely in promoting a French and English policy.

And now further, with respect to France itself, is there any doubt of the tendency and leanings of the great and gallant people of France in reference to this war? I believe the French people did originally appreciate the objects of the war, and were ready to make all reasonable sacrifices for those objects; but I protest utterly against the construction put by some writers on the great operations we have seen recently taking place in reference to the loans which have been raised in France for the purposes of the war. In my opinion nothing is more groundless than to connect the avidity with which great sums have been subscribed with any general enthusiasm, or with any enthusiasm whatever, for the pursuit of this war. If you ask for an explanation of the facts, I am quite sure that any gentleman connected with the City of London could at once afford it. The phenomenon is of the very simplest and most ordinary kind. The rate of interest offered by the French Government and the terms of subscription were so high, and so peculiarly favourable for all persons having money to invest, that this investment competed advantageously with every other kind of investment. But let us look to the other side of the question, and consider the position of the debtor, that is to say, of the State and people of France. Hardly any one with whom I have had the opportunity of speaking appears to have realised what has taken place. In sixteen short months of war, France has added to her public debt, speaking in round numbers, 100,000,000*l.* sterling. She has offered to the creditor very nearly 5 per cent interest in sheer interest, besides an immense bonus, which, on the return of peace, he will obtain by the improvement of the capital value of his stock. It is pretty obvious that the French people are not likely to go on adding 100,000,000*l.* to their public debt once in every sixteen months, either for the objects of a remote and purely general policy, or for any such differences, did they still exist, as the difference between counterpoise and limitation. If you want to be intelligible to the masses in France you must use other language, language such as associates itself with the former glories and military traditions of the country. Depend on it, there is danger and apprehension in that quarter, connected with the prosecution of your present policy; and those who are wise and earnest in a desire to promote the French alliance, not as an occasional, but as a stable and permanent connection, will be of opinion that it would be best promoted by the acceptance of such terms as those to which I have referred.

Again, Sir, it is said, that the great efforts which are now being made by Russia must be intolerable to her. But, for one, I am not prepared to rely on the broken reed of mere speculation in this country as to the probable financial exhaustion of Russia. The noble Lord at the head of the Government told us on a recent occasion, that the expenses of Russia in this war amounted to 30,000,000*l.* per annum. I do not know what means my noble Friend possessed of forming a judgment on that point. It is not easy to understand how Russia can spend an excess of 30,000,000*l.* sterling over her peace establishment upon her armies only, and within her own territory. But even if she does spend 30,000,000*l.* to match the 100,000,000*l.* spent by the Powers allied against her, I will not venture to rely on that. I must, indeed, admit that at the present time I find it difficult to obtain information with respect to Russia. I believed, until within the last few months, that we had a Press in this country free, not only legally but morally, and long habituated fearlessly to discuss everything, and to trust to the strength of truth and right to give the victory; but I do not now know where to look in the English papers for Russian documents, such as Count Nesselrode's note of the 4th of June to the Austrian Government, communicating, as it seems, satisfaction at the Austrian occupation of the Principalities, and readiness to respect it. I believe that document has not been published in any English newspapers. But do not let us build upon any such precarious and uninformed calculations with respect to Russia. As far as known facts go, we have no right to reckon upon Russian exhaustion. There are certain tests which are partial, but are sound and trustworthy as far as they go; look to the state of the exchanges, are they vitally affected? Is the price of commodities imported from abroad materially raised? or is the price received for exports at the place of exportation greatly reduced? Of course I do not refer to corn, because I have no doubt that in many parts of Russia the price of corn must have been immensely reduced; but when we are speaking of Russia with reference to the influences which bear upon her policy, we ought not to speak so much of that vast space which is covered by the territorial designation, as of those portions to which St. Petersburg and Moscow form the central points. Those are the parts which are principally to be regarded as affecting the policy of the Russian Government. I say, then, that you are not in a condition with safety and prudence to speculate upon the exhaustion of Russia as likely to overbear her presumed wishes and resolutions in reference to the prosecution of this war. Then with respect to the spirit and feeling of the Russian people and of the Russian army. I do not speak now of the Russian Government. In the mouths of the Russian Government it may be that the phrases of patriotism and religion are mere cant phrases. But they are not, therefore, of necessity such in the mouths of the Russian people, or even of the Russian army. Let any hon. Gentleman put himself in the place of the Russian soldier, and act upon that rule, so salutary in all controversies whatever, of endeavouring to take a survey of the case from the adversary's point of view. Against whom is he fighting? Against the Turks, against the hereditary enemies of his race, against those whom he is taught to consider the hereditary enemies of his religion; and, finally, and as respects all the allies, against the invaders of his soil. If there are two motives which can act with overpowering might upon the human heart—if there are two incentives which can draw forth out of a man all the power and energy of which he is possessed, are they not these—first, that he is fighting against the enemy of his religion; and, secondly, that he is defending his own soil; and are not these the very motives which the Russian soldiery and people have at present to work upon them? Let me here relate to the House an anecdote which has lately reached me—I think, on good authority. It illustrates the spirit which the Russian Government is enabled to infuse into its army, and it illustrates also, on the other side, with tremendous force, all that we have been told of the losses which have been sustained by the Russian army in this war. The House will at once see from its impartial bearings that this is not a concocted anecdote, but that it bears upon it the internal evidences of veracity. A corps of 40,000 men—I cannot name the corps—arrived at Perekop on their way to the Russian camp in the Crimea; the case was urgent, and the men were desired to march onwards to their destination at the rate of thirty versts a-day—which the House will see is a forced march, somewhat under twenty miles a-day. The men said, "Do not impose upon us any fixed distance; let us march as far as we can." They reached the Russian camp—a distance of 120 miles—in the course of four days, but they lost on the way 10,000 men. They left Perekop 40,000 strong; only 30,000 men reached the camp. This tends to confirm, you will justly say, all we have been told of the enormous numbers which have perished in the Russian army during this war, and you will tell me that it is impossible for any country long to withstand such a drain; but is there not another aspect under which we ought also to regard this anecdote? What must be the spirit of that soldiery, what its power of passive endurance, its devotion to the will of the Emperor, and what the strength of its sentiments of patriotism and religion, when the zeal of the men outruns the orders of the commanders, and when they are ready to make efforts such as those, even though with reason to anticipate too surely that in the short space of four days, without a hand being lifted against them, one man out of every four will have fallen? I see that an hon. Gentleman smiles, but I confess it appears to me that such a fact as this is full of meaning with reference to the more remote prospects of this war. Again, have you noticed what took place in Sebastopol on the 20th of June? This, I am glad to say, we know through the medium of our own papers. It is a Russian account, but it comes round to us through the *Ost-Deutsch-Post*, and has been copied into some English journals.

> "On the 20th the burial of the dead was continued, but towards evening the flag of truce was removed and the bombardment recommenced; but much more feebly than before. The same day a *Te Deum* was sung in the church of St. Valdimir in celebration of our happy success, and the soldiers who attended wore the same clothes which they had worn in the struggle, and not a single coat was to be seen there which was not dyed with blood. In the evening the whole garrison of Sebastopol received the Sacrament. Osten Sacken with his staff received it first, and the rest of the troops in succession."

You may say that this is fanaticism, but at any rate it is not hypocrisy; or, even if I must suppose it to be hypocrisy in those who lead, it is not such in those who follow. It is a sign of that character, partly passive, but capable of being roused by circumstances to a high and persevering activity, which has enabled Russia to occupy so prominent a position in the affairs of the world, which will never, I am convinced, enable her to become formidable to you so long as your cause is just, but which it must be worth your while to consider when you begin to doubt of its justice. So much for the position of Russia with regard to this war.

And now, Sir, before I sit down, I am bound to express my deep gratitude to the House for the patience with which it has heard me. When I reflect that my right hon. Friends and myself, who were parties to the deliberate decision to enter into this war, at the very moment we come to a clear conviction that it ought no longer to be pursued, are allowed to express ourselves with entire freedom, and to utter the strongest sentiments against the policy we thus condemn, I must say I never knew a more conspicuous instance of the length to which freedom of speech is not only in theory but in practice given and exercised in this glorious country. We cannot, indeed, under such circumstances, follow the dictates of our consciences without suspicion, without taunts, or without sneers. These things are to be expected, I do not for a moment murmur at them; and I fully admit that if Her Majesty's Government had accepted the proposals recommended by my noble Friend the Member for London, they would have paid the forfeiture of place and power. They would have also paid a heavier forfeit; they would have been pelted by the storm of abuse, and they would have suffered under what is harder to bear—a storm of ridicule. We know something of what these things are, but they would have had to bear them all in a greater degree, in proportion to the greater importance of the service they would then have rendered to their country. I do not complain of these things; I admit, that to a large portion of the community it must be irritating and exasperating to see those who were among the original counsellors of the war now endeavouring, and endeavouring strenuously as I hope, to bring it to an end. I am doubly thankful, therefore, to this House for the free permission it has given me to express with earnestness and even vehemence all I feel on this important, nay, absorbing subject. The House will feel that if we are wrong our responsibility is great indeed; but we have had no choice; with our convictions, we, above all, are bound to endeavour to draw the country forth from this great struggle on the earliest occasion when we think it can be done with honour. I am not ashamed to say that I remain of my original opinion as to the justice of this war at its commencement. There are Gentlemen who sit near me who think differently from me in that respect, and who, I believe, nay, I hope—for the supposition I am making is only in harmony with the high spirit and principle they have shown, and the consistent part they have acted from the first—were ready to have censured us for entering into it. Between us and them, therefore, there can be no suspicion of conspiracy or combination. I differ from them in this—I think we had cause to go into this war, while I admit the difficulties of the question. I think that it was not only a just and necessary war with reference to its immediate occasion, but that probably, from deeply-seated causes of a more general character, it could not long have been avoided—that, in short, it had become absolutely necessary to cut the meshes of the net in which Russia had entangled Turkey. At the same time, the war, into which I reluctantly but deliberately agreed to enter, was a war, the objects of which I can define; they are to be found in the Four Points. It was a war carried on by an united people in the name and on behalf of Europe, into which we entered, backed by a European combination and by the authority of what I may presume almost to term European law. It was a war which we undertook, not only joined in actual operations with France, but with Austria and Prussia (backward though the latter has shown herself, now for the last twelve-months and more,) linked in a treaty with us to resist Russia by force of their united arms, in case of certain events occurring, which were then well known to be both probable and near. That was the nature of the war into which we went, and it was perfectly obvious, from the nature of that war, that certain general rules were applicable to it, to which we ought to endeavour at least to conform. No doubt, the man who advises his Sovereign to go to war cannot possibly give security for an escape at any given time from the struggle which he begins; but the very nature of this war showed that, if possible, it ought to be short. Every war, the prosecution of which depends on alliances, ought to be a short war—that is, every effort should be used to make it short, and its objects should not be such as are certain to make it long. It was not a distrust of France, as my right hon. Friend the Home Secretary would seem to think, which probably led my hon. Friend near me (Mr. Laing) to anticipate danger to the French alliance from a continuance of the war. It was because it is the very nature of a war, when prolonged, from its vicissitudes, from the sacrifices it requires, from the collisions of interest and feeling it entails, to endanger alliances; and every war, therefore, which is to be carried on by alliances, ought to be short, sharp, and decisive. I may be told that this war has not been a short, sharp, and decisive war. My answer is that our war was a war for the Four Points. You may condemn them if you think fit. I am not now defending them; I am speaking of what is historical—not of my own opinion of what ought to have been, but of what, as indisputable and familiar records tell you, actually was. It was a war for certain objects, defined in what are called the Four Points, or bases. Those objects have been, in our judgment, attained; and they having been attained, although the Government, or the Parliament, or the country, whichever of them it may prove to have been, may not have chosen to avail themselves of the offers which have been made, is it inconsistency in us, with our views, to say that the war ought to be brought to a close? Would it not, on the contrary, have been the most contemptible effeminacy of character if a man in my position, who feels that he has been instrumental in bringing his country into this struggle, were to hesitate a single moment when he was firmly and fully convinced in his own mind that the time had arrived when she might with honour pass forth from it? That was the war into which we entered; what the war is in which we are now engaged I do not profess to know. I have not the remotest idea, nor, as I believe, has any other person, what may be the policy of the Government. I hope they have a policy. When we began the war we were called on to explain its objects, but the objects of the war which is now being carried on are entirely unexplained. If I refer to the speech of my right hon. Friend I should draw one conclusion; if I turned to the speech of other Members of the Government I might draw other conclusions. What was the upshot of the speech of the Attorney General? What the upshot of that of the right hon. Gentleman the Secretary for Ireland? Something totally different from any admitted object of the war. Austria has recently declared in the most solemn language, that if ever she renews negotiations it shall be for the purpose of giving effect to the four well-known guarantees. Austria uses these words—

> "We shall await, in a firm attitude, the progress of events and the propitious moment for renewing the negotiations for peace, to which, when that moment arrives, we shall on our part only agree with the irrevocable resolution of making them tend to the faithful, effectual, and complete realisation of the four guarantees."

That is the declaration of Austria. The declaration of England, as found in the language of Lord Clarendon in answer to Lord Lyndhurst, is as follows—

> "On the other hand, we have announced—I am still answering the inquiry of my noble and learned Friend—that, as the four bases were to be maintained in their entirety, and that as the third basis has been rejected and the responsibility of breaking up the negotiations at Vienna does not rest upon us, but upon Russia, we consider ourselves entirely disengaged from those bases."

The effect of that disengagement is, that the House of Commons remains in a state of total ignorance as to the scope and object of this war. I have spoken of the wide scope and visionary objects of the war that some persons desire. I am bound to say I do not believe that Her Majesty's Government would be inclined, or even if they were inclined, that they would venture knowingly to plunge us into such a war as that; but I say that so long as you continue a gigantic war of this kind for small and inadequate, or for unexplained and indefinite purposes, you run a risk, besides the other monstrous evils to which I have alluded, of having every moment new objects forced upon you—objects of which you now disapprove—objects which would entirely change the character of the war, but which you may hereafter have forced upon you, owing possibly to some mysterious circumstances, such as those to which we know that you ascribe your having once, or rather twice, already given way. Perhaps I shall be told, "What are we to do? Can we leave the siege of Sebastopol?" I fully admit that a little more than three months ago you had an opportunity which you are not likely to have again. If you do not avail yourselves of these golden opportunities when they come, you who are not the masters of events, cannot command their recurrence. Your position now is by far less favourable than it was then. As to the political attitude of the Powers of Europe, the deterioration is palpable. As to the course of the war, you are already considering what are to be the military operations of 1856. Three months have elapsed since that date, but those three months have, I fear, been for military purposes almost a year. You have achieved two military triumphs, but they seem to have been more barren of results than most of us, than I for one certainly, as to the Sea of Azoff, had hoped. On the other hand, you have suffered, and, for the first time in the course of this war, a serious military reverse. [*Cries of* "No, no!"] Perhaps my language may be too strong. If I may be allowed to substitute other words which will equally answer my purpose, you have for the first time failed in an important military operation. ["No, no!"] Well, I will not continue a controversy upon words; but I want to know whether honourable Gentlemen have really asked themselves what is the object for which we are contending. It is a miserable thing, instead of making war for justice, to be waiters upon success. But let that for a moment pass. Let us suppose that there is no possibility of failure, and that everything is to happen as you would have it. When you have got Sebastopol, what are you to do with it? Are you sure that the possession of it, as matters now stand, will either practically improve our own position, or practically damage the position of our adversary? I recollect one instance in which a great Minister of this country prolonged negotiations—deliberately prolonged them—with a view to the success of a military operation. It was the case in which Lord Chatham prolonged or postponed the negotiations which ultimately led to the peace of Paris, in order to render himself master of Belleisle. But his object was distinct; he wished to have Belleisle in order that he might give it back in exchange for Minorca. In this case there was no such reason, no such plea. Now, we say that you ought to have receded three months ago from before Sebastopol, on the ground that you had obtained the political objects of the war, and, that as the military operations are only a means for the attainment of the political objects, they should then have ceased. On the contrary, it seems, at least of late, to have been considered by every one out of the Cabinet, though it was so considered by no one in the Cabinet, that the capture of Sebastopol was the great object of the war—that it ought to be pursued at all costs, that it was an end in itself, a kind of principle, of duty and honour, to persevere under all circumstances with that most memorable siege. We protested against the doctrine, and protest against it still. I say that the doctrine that you never ought to forego the accomplishment of a great military operation when the practical objects have been attained, lest you should incur military odium, is both a novel and a retrogressive doctrine—a doctrine which will not carry you forward and onward to the furtherance of civilisation, but backward towards a state of savagary and barbarism. Such are the feelings and convictions I entertain. I thank the House again for the extraordinary indulgence with which they have heard me on this as on former occasions. It is the future only that can decide between us and those from whom we so widely differ. I hope, however, for the sake of mankind at large—for the sake at least of Christendom—that the time is near at hand which will bring to a definitive issue this great and momentous question. For the present, deeply grateful for the indulgence and freedom of speech which have been accorded me, I remain content in the belief that in endeavouring to recall the Government from that course of policy which they are now pursuing I am following the course which is most conformable to the obligations of a true patriot, a faithful representative of the people, and a loyal subject of the Queen.

Mr. LAYARD said, that at that late hour he would not long detain the House, especially since it was clear that they had heard nothing that evening which had not been over and over again discussed in that House. The hon. Gentleman must have been in places where *The Times* did not reach; for the questions of limitation and counterpoise had been often discussed by the right hon. Gentleman who had that night with so much eloquence and earnestness anew discussed those subjects, and also by other hon. Members. He (Mr. Layard) would not have risen at that late hour but for his desire that what had been said that evening should not go forth to the country and create an unfavourable impression at that moment, when it was most important that it should entertain correct impressions. The hon. Gentleman (Mr. Laing) said that he had had opportunities abroad of testing the public opinion of Europe with regard to the war, and he referred to the opinions of persons who were connected with great public enterprises. Undoubtedly, railway contractors and bankers were the most likely persons of all others to look upon war with an unfavourable eye; but the hon. Gentleman said that feeling had been confirmed, in consequence of the knowledge of the opinions entertained on this subject by the noble Lord the Member for London, who being a leading Minister of the Crown, great weight was attached to his opinions; but the hon. Gentleman did not recollect that after the return of the noble Lord to this country he had stated that certain circumstances had changed the opinion which he had entertained at Vienna, and which were in no way connected with the change of opinion in France, and that he had expressed stronger opinions than ever in favour of the war. He (Mr. Layard) wished to say a few words with regard to the other points which had not been touched upon that evening. The House would recollect that on a previous occasion he had protested against the settlement which had been made of the first point in the negotiations at Vienna. As regarded the Principalities, Lord Clarendon, in his instructions to the noble Lord (Lord J. Russell) entirely mistook the position of those provinces. They never were actually subject to the Porte: they had princes of their own; and, except in reference to paying tribute, they were independent of the Porte. It was only within this century that Russia had gained any influence in those provinces, and he was bound to say that Russia had used that influence, not for the advantage, but to crush the free institutions and liberty of the Principalities; and Russia could not say that to her was owing the independence those provinces ever enjoyed. He had personally witnessed the encroachments of Russia in those provinces. In 1848, when some attempt was made to introduce a liberal Government into the Principalities, Russia protested against it, and compelled the Porte to remove those persons who had been engaged in bringing about that change. After Russia they had allowed Austria to occupy the Principalities, as was now admitted, to the great injury of the inhabitants. He wished to call attention, as regarded the Principalities, to the first point of the four which were to be adopted at the Conferences at Vienna. He had already stated that they altogether misunderstood the position of these provinces, and that instead of treating them as semi-independent, they had treated them as completely dependent on the Porte; and not only that, but they had sanctioned the direct interference of Russia, and extended the right of interference to the other contracting parties; and, moreover, Lord John Russell had signed a protocol which would have given Turkey a right to interfere on the demand of Russia, and to expel from the country any one who proposed new laws in accordance with the spirit of the age. This appeared to him trifling with the fortunes of men, for these provinces contained no less than five millions of inhabitants, whom they were handing over, bound hand and foot, to Austria and Russia. Protests had been signed by a great number of the noblemen and gentlemen of the country against this proposed settlement of the first point. The noble Lord said they had no weight because they were signed by persons who were not the legal representatives of the inhabitants; but how could any persons living in the provinces draw up any remonstrance against such a state of things during the Austrian occupation? Only those who were absent from the country and were free to act, could sign the protest. Now, had there been any concession on the part of Russia in this case? None whatever. On the contrary, she had gained, because it was a material thing to her to have the power of interference under the sanction of the other Powers of Europe. With regard to the second point there was not much to be said; they had in that point one concession, of a trifling nature, as to the removal of the Quarantine Station from one of the islands of the Danube to the left bank. But although the Wallachians and Moldavians were directly interested in the navigation of the Danube, which was the exit for their produce, yet they were no parties to the arrangement at Vienna, nor were they to be represented in the commission that was to regulate the navigation of the Danube. The third point, of course, came next in order; but he wished just to say a word with regard to the fourth. On the fourth point had Russia made any concession? None at all. She had no right to any interference with the Christian population. Her right was solely founded on the Treaty of Kainardjie; which merely set forth that the Porte—not Russia—promised to protect the Christian population and its churches. By the fourth point, however, we should have given that right to Russia in common with the other powers. With regard to the third point, he would not enter again into the subject of counterpoise and limitation; but, without entering into the quibbles raised upon those subjects, he believed that the country had made up its mind that the Four Points were not a satisfactory conclusion to the war, and that Government felt that pressure, and acted accordingly. The noble Lord's instructions on proceeding to Vienna dealt specifically with the question of a counterpoise, and stated that it would neither satisfy our reasonable demands, nor afford any hope that the war would be brought to a satisfactory conclusion. Lord Clarendon said in those instructions—

> "It might be brought about by a common agreement that the maritime Powers should maintain in the Black Sea a force adequate to counterbalance the naval forces which Russia has heretofore maintained, and, if uncontrolled, may again hereafter maintain in that sea. But this would be nothing more than an armed truce, liable to be interrupted at every moment by chance collisions, and entailing on the maritime Powers a perpetual expenditure to keep up, at a distance from their arsenals, an efficient force in the Black Sea, while Russia, having her arsenals at hand and her harbours of refuge always open, would be relieved in a great measure from the costs to which the other Powers would be exposed. It may well be doubted whether, after a few years, Great Britain would continue such an expenditure."

These instructions were authorised by the right hon. Gentleman the Member for the University of Oxford, who was then a Member of the Government. [Mr. GLADSTONE made a remark.] Well, he was wrong on that point. The right hon. Gentleman explained that when the noble Lord agreed to go to Vienna he (Mr. Gladstone) had never seen those instructions.

What were those instructions? Lord Clarendon said a counterpoise would be nothing more than an armed truce, entailing on the maritime Powers a perpetual expense. But what did the noble Lord write to Lord Clarendon upon the 10th of April, when the project of counterpoise was first brought forward by the Austrian Government?—

> "I showed that the project of counterpoise was ineffectual, as we could not always have a large fleet at hand; humiliating to Turkey if she were always to lean on France and England; unsafe for Europe, which would be kept in the perpetual ferment of preparation for war. We had, however, examined this plan carefully, in conformity with the desires of Austria, and only gave it up from being convinced of its inadequacy."

The noble Lord admitted, therefore, that the system of counterpoise would not effect the object. Lord Clarendon, upon the 16th of April, completely confirmed the views there set forth, and, writing to the noble Lord, he said—

> "I have the satisfaction to inform your Lordships that Her Majesty's Government entirely approve your language in reply to Count Buol, as reported in your despatch of the 10th instant. The opinions of Her Majesty's Government could not have been more faithfully represented, or more ably expressed."

And yet they found the noble Lord (Lord J. Russell) on the 18th of April proposing to Her Majesty's Government the very plan of counterpoise which he had himself condemned as a totally inadequate termination to the war, and which his instructions forbad him to entertain. He (Mr. Layard) believed that the country was totally dissatisfied with the Four Points, and that the Government, believing that, rejected them altogether. But he did not wish to dwell on that which was past. He had hoped that this evening, before Parliament separated, they should have heard from Government what was to be done, that they should know their position. At that moment they were besieging Sebastopol. Let them suppose it taken or not taken. If it were not taken, was there any better chance of peace? He believed not. Could they expect any better terms than those already offered? Certainly not. This country would never put up with defeat, and a great military Power like France could not put up with anything that amounted to a defeat. But supposing Sebastopol were taken, would they be any nearer to peace? He believed not, and he would refer to some remarkable words on that subject by Count Buol. Count Buol said—

> "Without giving any opinion upon the probabilities of the war, the Austrian Government cannot conceal its apprehension that the greatest successes in the Crimea may not be sufficient to induce Russia to make peace, and that the reverses of Russia may so excite the Russian people as to render peace more difficult of attainment, so that the war may be indefinitely prolonged."

And he (Mr. Layard) believed that that would be infallibly the case. Russia might fairly say to us, "You have taken Sebastopol and you wish to impose on us certain conditions which will prevent our again fortifying Sebastopol. If such be the case stay where you are." If such were the case, could we consent to a joint occupation? A joint occupation would be impossible; and if you abandon it altogether, where would be the fruits of all our sacrifices? Could we blockade Sebastopol continually? He believed that to be impossible. Russia would suffer far less by waiting and then by giving up what she conceived her legitimate rights in the Black Sea. Well, it was owing to this indefinite policy, to our not knowing exactly what this war was intended to effect, that the present state of things was owing. The right hon. Gentleman (Mr. Gladstone) had justly commented on that subject, and asked what was the end of this war? He (Mr. Layard) asked the same question. Then what was to be done with regard to Austria? They had allowed her to occupy the Principalities. Supposing that she had not occupied the Principalities, the allies might in them have raised 50,000 or 60,000 men—indeed, he believed we might have raised 100,000 men—who, when officered, either from this country or France, would have helped to fight our battles, and would have imbibed a spirit of independence which would have admirably qualified them for the defence of their country. By the admission of Austria they had been precluded altogether from taking advantage of the national feeling of the Principalities. He had been told in that House that if Austria had not occupied the Principalities, the Turkish Government would have been compelled to keep up a large army there; but the fact was, that, by the admission of the Austrians, Russia had been enabled to withdraw her armies from the banks of the Pruth and to send them to the Crimea, which she would not otherwise have been able to do; and if the Turkish troops had occupied the Principalities they would have had this advantage, that they would have been able to harass the enemy beyond the Pruth, and to return to the Principalities under the safeguard of the Austrian troops, Austria, by the treaty of the 2nd of December, being bound not to permit any Russian troops to cross the Pruth. Consequently Austria would then have been acting to us the part of an ally, and would have been forced into the position which we had all along desired, of taking an active part in the war. Now, however, we were sending to the Crimea Turkish troops to oppose the Russians who had been withdrawn from the Pruth. And then we might have availed ourselves of the Italians. At the last moment we were enabled to do so, but the time had gone by when the Italian troops might have been of essential importance to us. Another result of this indefinite policy was the state of things in Asia Minor. He did not wish to go through the Eastern question. All he wished to show was that the Government had no expansive views on that subject. He did not contemplate throwing English troops on an almost unknown part of Asia, but he would have enabled the Turkish army to succour Kars. At this moment the Turkish army was locked up in Kars, and unless they obtained speedy assistance, they must yield to the Russian army. He did not suppose that the Russian Government would attempt a demonstration against Constantinople, but he believed that they would hold a material guarantee in those provinces. When those provinces were once in the possession of Russia, it would be exceedingly difficult to redeem them. It was very well to talk of pouring troops in, through the forts on the Black Sea coast, but from the nature of the country the Russians could easily close up the few passes which led from the sea coast to the interior. And if Russia had any success in Asia Minor, which she was very likely to have, it was impossible to say what would be the effect of it in our Indian possessions. The effect on Persia would be immediate, and Persia would at once declare for Russia. He could see no hope of Persia even maintaining her neutrality, for Russia would then be in a position to force her to take part against us. He could not help also expressing his anxiety as to the condition of our own army. Although some improvements had taken place under the pressure of public opinion, that was only in particular instances, where great defects and mismanagement had been discovered. He saw no change of principle, and he believed there was a very general discontent among the officers of the army. The manner in which just claims had been disregarded, while those had been promoted who least deserved it, had caused almost a hopeless feeling amongst them. Within the last few days, we had seen rewards given to those who had really no claim to them, and even the highest honours of the State had been bestowed indiscriminately upon the successful and the unsuccessful in a manner little creditable to those who dispensed them. And what was the result? Why, that, after such a campaign, we could not find one man who was capable of the command, because we did not take care to look for merit and acknowledge it where it existed—no genius had been evoked—we had not yet found one man who had shown himself capable of commanding the army. How different was the case with our enemies. There, if we were rightly informed, the whole defence of Sebastopol was to be attributed to a young man who had been a captain of engineers and had been raised to the position of chief command for his extraordinary ability. Nothing of the kind had been done by us, and there was no symptom of military genius in all our operations in the Crimea. We seemed to be going on from bad to worse—there was no improvement—even in the administration of the army. He could state facts to prove this if it were necessary. In the Kertch expedition, as he was informed, there was great mismanagement quite incredible; he was told that the animals of the land transport were sent in one ship, and their harness in another, and that two days elapsed before both those vessels had arrived, and the army could not have moved many miles into the interior. He said the other night, in asking a question, that upon one occasion, he was informed, the Commissariat was left without funds for nearly a month, and the reason alleged for it was, that a ship with 100,000*l.* on board of her had broken down and was detained four weeks to be repaired—as though the money might not have been sent on by another ship! One agent of the Government stated that, in consequence of this, bills to the amount of nearly 5,000*l.* were dishonoured, and that he had to pay the Bashi-bazouks extra, to keep them from pillaging the town, as it was now said they had pillaged some villages of the Dardanelles. Unless some change took place in our management, he could see nothing before us but a repetition of all the disasters of the last campaign. But if there was any one thing which would make the prospect of peace more remote than ever, it was the course taken by the right hon. Gentleman the Member for the University of Oxford. Such a speech as the House had just heard from him was calculated to destroy almost every hope of peace. Although he (Mr. Gladstone) complained that he was unable to find various documents of the Russian chancery in the English Press, he might find them printed in a paper which the right hon. Gentleman no doubt took in, *Le Nord*, published at Brussells, the Russian organ in Europe. If he and the other right hon. Gentlemen near him read that paper, they might see there what was the effect of their speeches—that they were looked upon as the advocates of Russia in England. He did not wish to impute to them that they wished to play into the hand of the enemy, or that they were traitors to their own country, but that such was the effect of their speeches could not be doubtful. Now could any speech have been made more calculated to damage our cause, to render peace more difficult, and encourage Russia to persevere and to reject every reasonable proposition, than the speech of the right hon. Gentleman this evening? He (Mr. Layard) believed that no Russian could have made a speech more thoroughly calculated to have that effect, and nothing could raise the spirits of the Russian soldiers more than the eloquent if not exaggerated picture drawn by the right hon. Gentleman of their courage, endurance, and patriotism. But should not such a statement prove to us the necessity of checking and controlling a power like Russia, if she commanded such implicit obedience on the part of her soldiers, and possessed a million of armed men so devoted to the interests of her Emperor? Were not the allies warranted by such a representation of the Russian system in striving, at any sacrifice, for the attainment of their object? He was astonished to hear the right hon. Gentleman, one of those who had plunged us into this war, now pointing out what he called a disaster and a reverse, and urging us to retire from the contest. Were those the words of an English statesman? Were they the words of an Englishman? Was it thus—because we had suffered what, after all, was only a slight reverse—that we should abandon the national character which it had cost our country centuries of honourable toil, and frequent warfare, to establish? Was the honour of England nothing to the right hon. Gentleman?—were the words "national honour" expunged from his vocabulary? Surely it was something to which much from us was due. We ought not, for a small failure, to give up a great and glorious cause as if it were hopeless. Why, had not we in the Peninsular war failures ten times greater? And did Wellington throw up the contest then because of those difficulties? They were but episodes in a great war, which ended in a complete success. He (Mr. Layard) believed it would be impossible to make any peace, while the question of Sebastopol remained unsettled; for it was not the character of England only that was at stake—it was a great national question with the military empire of France; and France could not submit to the loss of her military reputation. Some gentlemen said the feeling of the people in France was not in favour of the war.—They might think so, if they only chose to go to Paris and converse with the cliques which were opposed to the Government upon every subject as well as upon this. But he believed, on the contrary, that there was in France a much stronger feeling in approbation of the war, as had been shown by the ardour with which, upon two occasions, the whole nation had, as it were, responded to the demand made by their Government, and had subscribed to the national treasury an amount that far exceeded all anticipations. It appeared to him that one of two things must happen; either the people of this country, angry with the mismanagement of the war, would interpose, and compel their Government to conduct it more efficiently; or else they would, hopelessly and utterly disgusted, change their feelings towards the war, and oblige the Government to accept terms inadequate to the sacrifices which they had made, and which ought to be compensated by some results very different from those Four Points. If those Four Points had been accepted he believed it would only have been a short and hollow truce, to be followed by a renewal of war. He would urge it, therefore, upon the Government to carry on the war with all possible vigour, and so to fulfil that trust which the country had, with so much generous confidence, hitherto put in them.

MR. COBDEN: It is not my intention to delay the House for more than a few minutes, because I think that, after the able and exhaustive speech of the right hon. Gentleman the Member for Oxford, to do so would be presumption on my part. I have listened to the remarks of the right hon. Member for Aylesbury with that attention with which I always listen to him upon Oriental subjects, as being well acquainted with the affairs of the East; and I suppose it must be from want of reasoning power on my part, but at the end of his speech I was at a loss to conjecture what is the purpose of the hon. Gentleman, what his policy, and how he proposes to carry out his ends—if, indeed, he have any ends in view. But when the hon. Gentleman gets up, having no intelligible policy, and advancing no arguments which we can follow, and speaks in slighting and discourteous terms of the magnificent oration of the right hon. Gentleman near me (Mr. Gladstone), he shows, I think, an undue appreciation of the most eminent orator in this House. He has accused the right hon. Gentleman of praising Russia and encouraging her to prolong the contest by pointing out our own defects and short-comings; but if to point out defects be a sin, the hon. Gentleman is himself the greatest sinner;—because, has he ever made a speech in which he has not found fault with everything connected with the management of the war? He has complained of the mismanagement of the army, and he has prophesied that Russia would overrun Asia Minor; and are we, who also point out what we consider to be defects to be on that account stigmatised as partisans of the enemy? What I have risen, however, to touch upon is quite a different subject, and is of a somewhat personal character; and as this is probably the last opportunity which I shall have this Session of referring to it, I trust that the House will permit me, for a very short time, to occupy its attention while I make a few remarks upon a subject which concerns hon. Gentlemen on both sides of the House. We have been discussing the weight of authority of public men in reference to the policy to be pursued with regard to this war, and we have been told that the great negotiators at Vienna were in favour of negotiating a peace on the basis of the Four Points, and we have been also told the weight of authority to which they are entitled, and how much is due to their judgment. I attach much weight to the influence which high authorities upon such matters have upon the public mind; and when I find an individual holding so high an office as that of a Cabinet Minister coming forward and uttering unmeasured denunciations against a large body of Members of this House for their conduct in the House, I think that the matter is not one which ought to be treated lightly by the House or by the country. I allude, of course, to the right hon. Gentleman the Secretary for the Colonies (Sir W. Molesworth) and I think that I shall be able, before I sit down, to show the necessity of his affording to the House some explanation of his conduct. The right hon. Gentleman attacked three or four parties. He attacked the Opposition; he attacked the right hon. Gentlemen who sit near me; and he attacked the party to which I belong. There was what he called "the unscrupulous Opposition"—there were the followers of the late Sir R. Peel—and there was "a nefarious and unpatriotic body" who were carrying on a war against the Government by means of ambuscades. When I find that such language is applied to me and to the peace party by a Gentleman who holds himself up as *par excellence* the advocate of war, I think I am performing my duty to the peace party—not the peace-at-any-price party, but the rational peace party—if I endeavour to show that the right hon. Baronet is not entitled to much weight when he comes forward as an advocate for war. I want to know when the right hon. Gentleman first adopted sentiments contrary to those which I profess? Two years and a-half ago, when Lord Aberdeen was forming an Administration, the right hon. Gentleman was offered a seat in it, and it was intimated to him that he might have the office of Secretary at War. The answer made by the right hon. Gentleman was, that he had no objection to accept office under Lord Aberdeen, that he did not even require to have a seat in the Cabinet; but he thought that in a Government that professed to embrace all shades of Liberal opinions the sentiments which he professed ought to be represented in the Cabinet. The rejoinder made to him was—"Whom do you consider a fair representative of your opinions?" and to that interrogatory the right hon. Gentleman replied, "Mr. Cobden." Now, this is no secret communicated to me in friendship by the right hon. Baronet, but the conversation which I have related was communicated to me, before he knew whether I was going to have the offer of a seat in the Cabinet, in the Reform Club on the very evening after it had taken place, and in the presence of at least half-a-dozen persons. I want, therefore, to know when the right hon. Gentleman became converted from my opinions, and became so great a champion of the war. Don't let the right hon. Gentleman answer "It is true we agreed upon general and home politics, but not on the subject of peace and war." Let me remind the House that my opinions were then known on that subject, and I had attended large meetings and had identified myself with the agitation which had for its aim to try to imbue the minds of the people of this country with sounder views with reference to peace and war, foreseeing as I did that the great prosperity which arose in this country in consequence of the adoption of free-trade policy—just as Jeshurun waxed fat and kicked—would be likely to lead the nation into war. The right hon. Gentleman knew of this when he offered to make me his representative in the Cabinet. We had been for many years acquainted with each other's views on foreign politics; and, much as we may have agreed on home affairs, if there was one subject upon which our views were identified, I venture to say it was on foreign policy. My very first *début* in public life was in writing a pamphlet, and in answering Mr. Urquhart upon the subject of foreign policy. About twenty years ago that Gentleman was agitating throughout the country against Russia, and was the cause of an increase in our navy of 5,000 men, and of our putting Yarmouth in a state of defence to meet a Russian invasion. I confess, now, that Mr. Urquhart has been too much for me. I have watched his agitation and that of some of his friends ever since, and I say that great injustice has been done to my original adversary, for Mr. Urquhart ought to be the Prime Minister of this country at the present moment to carry out what is his own policy. But the right hon. Gentleman, a little while ago, when I alluded to him in this House in a very jocular manner (and nobody who knew what provocation I had will think I treated him very severely)—the right hon. Gentleman, I say, came down the next evening, when you, Sir, were not in the chair, or you would not have allowed it to be done, and brought down an extract or two from a speech he made at Leeds in 1840, to which I had referred, in order to show that his speech then was quite consistent with his present conduct, and that he had then advocated precisely the same policy as he was doing now. I could not follow the right hon. Gentleman on that occasion; and so little disposed was I, if he would have allowed me to do otherwise, to have brought our political differences to this extremity, that I would not even have done myself the justice to refer to that subject again. However, the right hon. Gentleman would not give me the chance of passing it by. It seems to me that that old malady which they say the gods afflict us with previously to our destruction had befallen him. What could I do? I could not allow the influence of a Cabinet Minister to go forth throughout the country in favour of the war without doing justice to the advocates of peace, and I must show how the right hon. Gentleman acted in the garbled extracts he made from that speech. I thought that such a perfect logician as the right hon. Gentleman would not condescend to sophistry in order to make out his case. But he read extracts from his Leeds speech on the occasion to which I refer, and what I should like would be that the right hon. Gentleman should be compelled to read the whole of his speech. He read some extracts to show that his present conduct was quite consistent with his speech in Leeds, at the meeting to which I refer. Now, I must remind the House under what circumstances this meeting was held. We were on the verge of a war with France respecting the affairs of Syria. We were acting in conjunction with Russia, and every day we were under the apprehension that the noble Lord now at the head of the Government would lead us into a war. The right hon. Gentleman accordingly called a meeting in the streets of Leeds, and although his Whig partisans refused to support him, he held the meeting to denounce any war with France in support of the Turks, and in alliance with Russia. He began by laying down a hypothetical case, and if he had read to the House what he said at the commencement of his speech it would have been seen that in what he read afterwards as his own arguments, he was merely following out his hypothesis, which he takes care to repudiate as utterly absurd. Here is what he said—

> "The sole pretext that has ever been assigned, or that can be assigned, to justify our interference in the affairs of Turkey, is lest Russia should interfere alone and take possession of Constantinople. I will assume that the possession of Constantipole would be as great a calamity as some persons suppose. I will suppose that, despising every law of human interest, Russia shall prohibit our commerce, refuse all interchange of commo-

dities with us, and exclude us from the ports of the Black Sea, and that when, by these strange means, it has rapidly acquired a high degree of wealth and prosperity, it shall seriously commence the conquest of civilised Europe. All these, and many other suppositions equally absurd, I will take for granted as being the inevitable consequences of the acquisition of Constantinople by Russia; and I now ask—have we adopted the wisest course to defeat the views of Russia? On the contrary, is not our policy the absurdest that human ingenuity could have imagined? We have formed an alliance with Russia, whose interests are hostile to our own. We have lost the alliance of France, &c."

[Sir W. MOLESWORTH: Hear, hear!] Well, I say the right hon. Gentleman seems to have forgotten his ancient powers of logic, for the whole of his subsequent argument is governed by his original argumentative assumption, and when he talks, as he did in the extracts he read in this House, about the advantage of joining France as against Russia, it was merely following out this thesis which he then branded as utterly absurd. What he says is, that all this supposition as to the power of Russia consequent on the possession of Constantinople is utterly absurd; but if he will refer to the speeches of Lord Clarendon he will find that his Lordship justifies the war, by assuming all those things which the right hon. Gentleman denounces as utterly absurd. But is it possible that I could fail to know the sentiments of the right hon. Gentleman on this subject? Let me remind him that at this time (in 1840) I was doing at Manchester precisely the same as he was doing at Leeds, and I repeat that there was no subject upon which the right hon. Gentleman and I were so thoroughly agreed up to the last eighteen months. I say "up to the last eighteen months," because the right hon. Gentleman cannot deny that until he joined the Cabinet of Lord Aberdeen, he entertained precisely the same opinions upon this question as he did for fifteen years before. Now, I do not deny to anybody the right of changing his opinions. It was a saying of Harvey, the discoverer of the circulation of the blood, that he never found an honest convert to his opinions after the age of forty. The right hon. Gentleman may, however, change his opinions, if he likes, up to the age of fifty. All I stipulate for is, when he has to deal with a question like this, if he does denounce those with whom he once acted for the opinions which, during fifteen years, were his own, that he shall at least condescend to tell us what are the reasons upon which he founded this change in his views. At all events, it is very hard that he should begin by denouncing us as nefarious and unpatriotic. In conclusion, I will say that in dealing with the right hon. Gentleman I have done as I would wish to be done by. If ever I am found on great questions of policy to be systematically holding one language to my friends in private, and then denouncing them in public for holding those opinions, I shall expect from those friends not private remonstrance—for I shall expect private friendship to be then at an end—but I shall expect from them that in the most public place, in this House or elsewhere, they will denounce my conduct and declare me in a political sense utterly unfaithful and utterly unworthy of the confidence of any political party.

SIR WILLIAM MOLESWORTH: As I am called upon at this late hour of the night to reply to this most unexpected burst of attack, I hope the House will bear with me for a few minutes. The hon. Gentleman has called me to account, in the first place, for the speech I delivered the other day to my constituents of Southwark. I cannot say that I either regret or retract one single sentiment I uttered on that occasion, because I believe that in that speech I expressed not only the opinions of the 11,000 electors of Southwark, but also the opinions of a great portion of the thinking and reflecting men of this country with reference to the conduct of hon. Gentlemen on the subject of the Turkish loan. Sir, I had found that a strong feeling of deep anxiety and alarm pervaded many classes of my constituents, lest by some party movement the alliance of England with France should be disturbed and the war brought to a disgraceful and discreditable termination; and in order to tranquillise and allay their alarm I felt it my duty to tell them that if ever such a result were brought about it should not be by the Government of my noble Friend Lord Palmerston, of which I am a Member. This opinion I expressed, Sir, and in so doing I denounced the conduct of the three parties who I considered had united a short time before for the purpose of surprising the Government on the subject of the Turkish Loan. I repeat that there is not a single sentence I then thought it my duty to express to my constituents which I in any way regret or feel disposed to retract. The hon. Gentleman the Member for the West Riding, has referred to certain conversations which he says took place between himself and me about the period of the formation of the Government of Lord Aberdeen. No doubt it is true that very friendly relations have existed between the hon. Gentleman and myself during a long period of years. On many subjects, it is true, I have agreed with him; but on many subjects it is also true that I have totally disagreed with him, and I have disagreed with him in his extraordinary views with regard to the possibility of universal peace. His views on that subject I considered so extreme and extravagant, that I doubted, indeed, whether his fine intellect had not become aberrant on that particular question. The hon. Gentleman says I told him I was going to be appointed Secretary at War, and that I would have accepted that office without a seat in the Cabinet. I have no recollection of having ever made such a statement. I was never asked if I would hold that office, and I never was offered any situation in the Government without a seat in the Cabinet. I have, however, a recollection of, during the intercourse of private friendship, talking over with him at the time the various combinations of parties which it was expected might take place; and it is perfectly true that I said that in many respects I agreed with him in opinion, and that it would be a very great pleasure to me, should such a combination of parties as was then the subject of general rumour take place, if he should be a Member of that Cabinet; and referring to the consonance of our views on the subject of free trade I said, "Your opinions would represent mine very much in that Government." I say that was the case at the time, for I agreed with the hon. Gentleman on many subjects; but I say I never agreed with him in his views respecting peace. The hon. Gentleman knows that I never would consent to attend any meetings with reference to it, or to join him in any way or to take any part in any agitation concerning it; and he must also recollect that very recently I stated to him, in a confidential conversation, that I thought that his views on that subject endangered his reputation in the eyes of the people of England. I have certainly been on very friendly terms with the hon. Gentleman. I have received him at my house, and we have had many conversations together on different subjects; but of these conversations I never took any notes in order to repeat them afterwards to the House of Commons. I have read carefully over the speech which I made at Leeds. It is true, that in the course of fifteen years a very considerable change may take place in a man's views on a particular subject, and in that speech, it is true, I underrated the ambitious designs of Russia; but I said that if Russia had those designs, then France and England ought to unite to prevent her carrying them out. I admit that, in respect to the ambitious designs of Russia, for several reasons I have changed my opinion in the course of the last fifteen years. One of these reasons is the knowledge I acquired as a Member of the Government of the secret correspondence which took place between Russia and the British Government about Turkey—I was then induced to believe that the ambitious design of Russia, to which I had not previously attached much importance, were of a more serious character than I had anticipated, and I freely acknowledge that these and other circumstances which came to my knowledge as a Member of the Government were the motive causes in bringing about the change in my views. I do not know that I have any more to say upon the subject. I merely rose to say to the House that, with the alterations, if any, which have taken place in my views on this subject, I have never expressed, either in this House or to my constituents from the hustings, any opinions which I am not prepared to reassert at the present moment.

SIR JAMES GRAHAM: Sir, I do not rise to prolong the discussion that has just taken place between my hon. Friend the Member for the West Riding and the right hon. Baronet; but the right hon. Baronet has said, with reference to the speech made by him at his late election, that he has nothing to retract. Having recently been the colleague of that right hon. Gentleman, I have still so much respect for his character that I am quite sure that when I show him that he has unintentionally stated what is not the case, he will immediately be ready to retract one of his statements. I understand him to have said that he considered the conduct of certain parties in this House to be dishonourable, unpatriotic, and discreditable to themselves, inasmuch as they devised and entered into a combination of parties in respect to the Vote on the Turkish Loan. Now, sir, I happened to have been sitting next to my hon. Friend the Member for Stoke (Mr. Ricardo) immediately before he arose to address the House on the occasion to which the right hon. Baronet has referred; and I asked my hon. Friend whether he was aware of what were the intentions of hon. Gentlemen opposite with respect to the discussion that was about to commence. My hon. Friend told me that he had no knowledge whatever of what those intentions were. I myself had not the least idea of the course which Gentlemen opposite meant to take; but an hon. Member known to my hon. Friend the Member for Stoke—I mean the hon. Member for Horsham (Mr. Seymour Fitzgerald)—declared he had reason to know it was the intention of many Gentlemen opposite to support the Motion of the hon. Member for Stoke. Until that moment neither my hon. Friend who made the Motion, nor the hon. Gentleman who sits next me, had any knowledge whatever of what the course of hon. Gentlemen opposite might be. I make this assertion positively both for my hon. Friend and myself, and the right hon. Baronet will thus see that he had no grounds for making the assertion that he did of combination on the part of three of the parties in this House, and I therefore hope and expect that he will at once retract that statement.

SIR WILLIAM MOLESWORTH: When I used the words "combination of parties," I merely intended to describe the impression which was produced upon my mind by the events of last Friday week. On that occasion we were surprised, not, I must say, by the Peace party, because with them we have been at perpetual war, but by the sudden attack of the right hon. Gentlemen who sit on the benches behind us, and the simultaneous attack of hon. Gentlemen opposite. This attack was so simultaneous—

MR. SPEAKER said, that the right hon. Baronet was not entitled to make another speech and was going beyond the bounds of an explanation.

SIR WILLIAM MOLESWORTH: Then I shall say no more.

MR. ROBERT PHILLIMORE: It seems that the right hon. Baronet has studied his favourite author, Hobbes, to some effect, and that he considers that when a man recants his opinions he has great licence of speech. Although I am one of the humblest individuals who voted in the minority on the occasion which has been referred to, I can assure the right hon. Baronet that I took that course with the conscientious conviction that I was doing what was best for the country. We were told that the independence of Turkey was at stake, but I conceive that the Turkish Loan was calculated to destroy that independence. When the right hon. Baronet prostitutes his high office at the hustings, and condescends to gross and scurrilous abuse of Members as honourable as himself [*Order.*] The right hon. Baronet accused us of a nefarious design, and, if I am called to order, I must request you, Sir, to call the right hon. Baronet to order for the language he has used.

MR. SPEAKER: I cannot call an hon. Member to order for any language he has used out of this House.

MR. ROBERT PHILLIMORE: But the right hon. Baronet has adhered to that language in the House. I do not think you can be aware, Sir, that the right hon. Gentleman has adhered to that language in his place, and I say, with great respect to the Chair, that any person who accuses me on the hustings of nefarious designs utters vulgar and scurrilous abuse. [*Order!*] I hope to be in order when I say that he will do well on another occasion to acquaint himself with the facts before he makes such assertions.

MR. BRIGHT: I wish to make an appeal to the right hon. Baronet the Colonial Secretary. He has been called upon by the right hon. Member for Carlisle (Sir J. Graham) to retract his statement, and I understood he rose for the purpose of explaining that he did not mean to say at his election that which the newspapers report him to have said, although it is quite evident that the speech was carefully written out, and it is believed that it was in the hands of the newspapers before it was spoken. You, Sir, no doubt very properly, called the right hon. Baronet to order, and he sat down in the middle of a sentence. I certainly think it would be an advantage, and would show some decorum on the part of a Cabinet Minister, if the right hon. Baronet was allowed to finish his sentence, and to make the retraction which he was called upon to make by the right hon. Member for Carlisle.

SIR WILLIAM MOLESWORTH: I did not make a retraction.

MR. WALPOLE: The right hon. Baronet has made a charge not only against members of the peace party, but against his former colleagues, and against, as he termed them, an unscrupulous Opposition.

I feel that we have a right to call upon him to retract the phrase that all these persons were acting together in a nefarious design. I came down to the House to listen to that debate, and I did not even know until the debate had proceeded to a considerable extent the course which I should take. My impression when the debate commenced was that the proper course would be to press the Government to turn the Convention into a separate, instead of being a joint guarantee; but arguments which were never answered on the part of the Government convinced me that we had not the power of taking that course, and that we could simply require the Government to alter the Convention by negativing the Resolution. Unless this House is to be absolutely silenced on every question which in time of war is brought before it, every gentleman has a right to express his opinion on that occasion, firmly and temperately, without being charged with a nefarious combination. I am not aware that I have ever taken the part of active opposition against the noble Lord with any factious intention; but I have never scrupled, and I hope I never shall, to express my honest opinion upon any question relating to the war. The vote which I gave that night was as honest a vote as I ever gave; and I trust the right hon. Baronet will only do justice to those whom he certainly,—perhaps inadvertently, but I must say in my opinion most improperly—maligned, if he offers some apology. It is only due to us that some apology should be made for such expressions coming from a Minister of the Crown.

Mr. BROTHERTON moved the adjournment of the House.

Mr. GLADSTONE: I confess I have listened with great surprise to what has taken place during this combination. I believe this conversation may just as well be called a combination—a term which I used inadvertently—as the concurrence of the opinions and votes which my right hon. Friend (Sir W. Molesworth) has chosen to adorn with that name. In taking notice of the right hon. Gentleman, I shall not forget what he appears to have forgotten—our former connection as colleagues in the relations in which we acted for a very considerable time. The language which the right hon. Gentleman used on the hustings was, I think, used with little consideration, notwithstanding the circumstances to which the hon. Member for Manchester has alluded. There can be no doubt as to the tenour of what he stated. I looked in several newspapers, and found precisely the same report. The right hon. Gentleman then stated that there had been a combination of parties to take Government by surprise. He now says two things, which appear to contradict one another. He says he does not make any retraction, and at the same time it was his intention to describe, not the actions of others, but the impression on his own mind. Now, it is perfectly plain that the language of the right hon. Gentleman did describe, not the impression on his own mind, but the actions of others. That is the whole question at issue. Does he mean to describe the actions of others or the impression on his own mind? I can only say that, if I had previously agreed to vote with gentlemen in whose opinion I concurred, I should not for a moment shrink from avowing it, because I see nothing improper or dishonourable in such combination or such concert. But, as I stated before, I learned the intentions of the hon. Member for Stoke while sitting on this bench, and at the time I had not the smallest idea of the course which would be taken by hon. Gentlemen opposite. As far as we are concerned, I wish to know what the right hon. Baronet really means. Does he mean to designate our conduct on that occasion by those offensive epithets which he used, or did he only describe the impression on his own mind? The right hon. Baronet is just as free to form impressions as any old woman who chooses to take anything into her head—who imagines she has seen a ghost or anything else. I wish to leave the right hon. Gentleman's liberty of imagination entirely intact, but I do hope he does not intend to cast on us the imputations which his language conveys.

Viscount PALMERSTON: My right hon. Friend concluded his speech by charging the right hon. Baronet with having attacked hon. Gentlemen in this House with combination upon this question. ["No, no!"] I am not talking of epithets, I am talking of substantives. I beg pardon of hon. Gentlemen opposite. This is the question which is raised, and my right hon. Friend who last spoke put it distinctively on the ground that he was asking the right hon. Baronet (Sir W. Molesworth) whether what he stated was the impression on his own mind, or whether he asserted it positively as an actual fact. That is the question which the right hon. Gentleman the

Member for the University of Oxford raised, and I shall not be carried off the scent by the "Noes" of hon. Gentlemen opposite. No Gentleman can state beyond the impression on his own mind as to any fact which has taken place. That impression was my right hon. Friend's impression, and, whether rightly or wrongly, it is also my impression; it was the impression, also, of every man who did not form part of the minority, and I believe that was the impression of every reasonable man in the kingdom who looked at what passed that night. The combination may have been fortuitous—it may have been accidental—it may have been without any previous concert; but combination it was in the strictest sense of the word, because a number of persons did combine to give a vote on that occasion against the Government. Whether they did so combine by previous concert or from conviction on their minds is for themselves to say; we cannot dive into their thoughts: but my right hon. Friend was perfectly justified in his conviction that there was a combination for accomplishing the object which he stigmatised as not reflecting credit on those who combined to obtain it. In that opinion, I believe, he will be supported by the opinions of the great majority of the country, and if Gentlemen are offended at that opinion being entertained, it is not only on my right hon. Friend the censure ought to fall, but also upon a great many thousands of persons who share that opinion with him.

Lord CLAUD HAMILTON regretted, after what had taken place, that the right hon. Baronet had not honestly and fairly confessed his error.

The Marquess of GRANBY did not know what the impressions of the right hon. Gentleman might have been when he had made the charge upon the hustings; but after what had fallen from the right hon. Gentleman the Member for Carlisle and the right hon. Gentleman the Member for the University of Oxford, he could not help thinking that any erroneous impression of the vote of Friday week which he might have formed must have been removed from his mind. He, therefore, hoped that the right hon. Gentleman would get up in his place, and acknowledge that he had been mistaken.

Sir WILLIAM MOLESWORTH: I believe I can now speak on the adjournment. When I was stopped by you, Sir, I was proceeding to state how I came to use these words. In using them I expressed the effect produced on my mind by the events of last Friday week. I said that the sudden and unexpected attack of the right hon. Gentleman, simultaneously with that of hon. Gentlemen opposite, produced the impression that it was a skilfully combined movement. The right hon. Gentlemen the Members for Carlisle and for Oxford University have both declared in their places that there was no previous combination between them and the hon. Gentlemen opposite and the peace party. Without doubt, I firmly believe the correctness of that statement, and I can only consider that what I thought was a combination was an accidental union of parties for the purpose of an attack upon the Government.

Mr. DISRAELI: I am very willing that this subject should be terminated, especially as, in the absence of the right hon. Gentleman, I made some comments which would seem to render it unnecessary for me now to address the House. But it appears to me that the issue is changed. I really thought the noble Lord rose to extricate his right hon. Friend and colleague from a disagreeable position, but the noble Lord entirely changed the question we are really discussing, and now the right hon. Baronet makes the explanation which his noble Friend has in a manner forced from him, and accepts the issue which the noble Lord has placed before the House; but which I say is a false issue. It was not that complaints were made because the right hon. Gentleman accused Members of this House of acting in "combination" on a particular question. "Combination" is a word to which many different meanings can be ascribed, although it is oftener applied in an odious sense than otherwise; and if severely tested it would, perhaps, have such a meaning as applied to this case. But it is the epithets which were affixed to the word "combination" which gave the great offence, and prevented any mistake as to the nature of the imputations cast on the right hon. Gentleman by the Secretary of State. But those epithets the noble Lord has entirely thrown over. He has raised an argument on the issue of the word combination. I do not at all agree with the noble Lord in the statement that it is the general opinion that there was some pre-arranged combination between the two sides of the House on that occasion. I have no doubt the noble Lord was very much astonished at the division which took place, and the feelings of a Minister obliged to speak against time, and who, even by speaking against time, could only secure a bare majority, should be viewed with some indulgence. But I am astonished that the noble Lord should defend his colleagues in the use of the epithet "nefarious," as applied to the course taken by many distinguished Members of this House, and that he should have encouraged the right hon. Gentleman in his refusal to express his regret for using an epithet which the facts do not warrant and which no circumstances could justify. There the matter might have rested; but I cannot say the apology of the right hon. Gentleman has been either a graceful or a satisfactory one; and although the situation of the right hon. Gentleman might be viewed with indulgence, as I explained on a recent occasion, I cannot but regret, for the sake of the right hon. Gentleman himself, that he should have treated the appeal that has been made to him in the spirit which he has evinced.

Motion made, and Question, "That this House do now adjourn," put, and *agreed to.*

The House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Saturday, August 4, 1855.

MINUTES.] PUBLIC BILLS.—1° Judicial Procedure and Securities for Debts (Scotland).
2° Exchequer Bills (£7,000,000); Consolidated Fund (Appropriation); Militia Pay.
3° Ordnance Board; Public Health Act (1854) Continuance and Amendment; Dwellings for Labouring Classes.

The House met; and having transacted the business on the Paper,

House adjourned at One o'clock to *Monday* next.

HOUSE OF LORDS,

Monday, August 6, 1855.

MINUTES.] PUBLIC BILLS.—1ª Ordnance Board; Lunatic Asylums (Ireland) Advances; Public Health Act (1854) Continuance and Amendment; Diseases Prevention.
2ª Militia Ballots Suspension; Island of Tobago Loan.
3ª Metropolis Local Management; Excise Duties.

MESSAGE FROM THE QUEEN.

Order of the Day for the Consideration of, and for the Lords to be Summoned, read: Message *considered* accordingly; and an humble Address being *moved* thereupon, the same was *agreed to, Nemine Dissentiente:* And the said Address to be presented to HER MAJESTY by the Lords with White Staves.

SALE OF BEER, &c. BILL.

THE MARQUESS OF CLANRICARDE rose to move to resolve—

> "That the Select Committee appointed by the House of Commons having recommended an immediate Amendment of the Sale of Beer Act of 1854, the Circumstances which render Legislation essential on the Subject Matter of the Bill which has been passed by the House of Commons are of such Urgency as to render the immediate Consideration of the same necessary."

The noble Marquess said that this was a measure which affected the well-being of a large number of the people, and it was important that the Session should not terminate without the question being settled in some manner. The Act of last year was only passed at the end of the Session, and came into operation in August. Great discontent was at once excited, and the question was raised early in the present Session, but as the Government were unable from the pressure of public business to take the matter into their hands, a private Member of the other House was obliged to take the initiative and on the 26th of June a Select Committee was appointed to inquire into the working of the Act. They made their Report on the 26th of July, and the present Bill, founded on their recommendation, was immediately introduced, and passed through all its stages in the other House with little or no opposition. Their Lordships would see that it was impossible for any Bill to come before them with greater recommendations for urgency. This Bill came before them recommended by the Government and by the almost unanimous voice of the other House of Parliament, the two Commissioners of Police, and fourteen out of sixteen police magistrates of the metropolis had given evidence in favour of an alteration of the law, and during the present Session the petitions in favour of it presented to the other House of Parliament, had been signed by the enormous number of 442,536 persons. The consideration of this Bill was a measure essentially of urgency since its existence seriously affected the comforts of a very numerous class of persons. Let their Lordships consider the inconvenience suffered by persons who were in the habit of travelling by excursion trains. The returns showed that sometimes 12,000 persons arrived by these trains on Sunday evening too late to get any refreshment if the public-houses closed at ten o'clock. It might be said they ought to go home instead of to the public-houses. That might do very well for their Lordships, who had something better than water, at home, but the great majority of these people had nothing in their houses but water, and that such as he should not like to live upon. They ought to do everything in their power to promote the recreation and excursions of those people who had to labour hard for six days in the week, and an alteration in the law was now urgently required, as these excursions were most frequent in the months of August and September. The present law was a source of great hardship to the large class of persons in the metropolis who kept no liquor in their houses, but were accustomed to send to the public-house for what they required. The Act of last Session had not in the least decreased drunkenness. Even if it had, they had no right, in order to prevent a few persons from indulging in a reprehensible habit, to subject thousands and tens of thousands to an inconvenience which they felt most strongly, and with which they were most seriously discontented. There could be no doubt that the recent demonstrations in the metropolis had been greatly increased and strengthened in consequence of the grievances created by the present law. The closing of the public-houses at ten o'clock produced no practical good, as the evidence showed that drinking in improper and disreputable places had greatly increased, as well as in private houses; this was proved by communications from Rochdale, Stockport, Manchester, Sheffield, and other places. They could not prevent Sunday intoxication altogether for many years to come; but a great improvement had been going on rapidly for many years, and it would proceed still further if the people were allowed to enjoy other modes of recreation, and to indulge in innocent amusements after the hours of Divine worship. There could be no more useful or beneficial amusements than those afforded by the excursion trains to which he had already referred. People went to Chepstow, Salisbury, and other places at a considerable distance from London, for recreation, and it was impossible to get back before ten o'clock. On these grounds he begged to move the suspension of their Lordships' Resolution in respect of this Bill.

Lord REDESDALE said, their Lordships had to decide whether this was a case of urgency, and he confidently asserted that no case of urgency had been established by the noble Marquess. The question was, had there been that extent of urgency felt by the House of Commons that should induce their Lordships to proceed without any inquiry? Certainly not. On the 26th of June, the House of Commons did not think the case so urgent that the Bill should be introduced, and they appointed a Committee to inquire into the state of the law, and see if any alteration should be made. That necessitated their Lordships to look to what had been done by that Committee—and what did they say? The Committee reported that they had not been able to prosecute their inquiry to an extent that would enable them to come to a conclusion; but they recommended a compromise, and the result was the introduction of the present measure. It was no light matter to set aside the Order of their Lordships' House without due cause, and they should not adopt it if they did not deem it fit to be maintained. It was agreed that the Order had worked well; and were it not for it, the public business would not then be in such an advanced state. There were about twenty-six witnesses examined before the Committee, and twenty-five of them were connected with the metropolis; so that the inquiry had as yet only reference to the measure as it affects London. But the chief constable of North Wiltshire, on being examined, was entirely in favour of the law. As regarded the excursion trains, the inconvenience would not be felt after next month; and, besides that, many of them did not arrive until between eleven and twelve o'clock, and, therefore, even if the present measure was agreed to, there would still be people as dissatisfied as ever. He appealed to the Government to support the Order of the House, because in fact no case of urgency had been brought forward.

Lord LYTTELTON said, that the more important the measure, the more it required to be considered. The urgency should be indisputable to justify them in suspending the Order of the House. The measure was only recommended by a Committee of the House of Commons, and he apprehended their Lordships would not take that as a sufficient ground of urgency. They should have a reference to a Select Committee of their own House. He did not contest the Bill at all, but that was a different matter from the question now under consideration.

EARL GRANVILLE said, it appeared to him that the word "urgent" applied when there was a strong political or public reason why legislation on a particular point should not be delayed for another year, and he felt that there was a very strong degree of urgency for the passing of this Bill. He could not quite agree with what had fallen from the noble Lord the Chairman of Committees. He, understood the noble Lord to say, that the Report of the Committee was a compromise; but, if he had been rightly informed, that was not at all the state of the case, for the Report was almost unanimously agreed to, there being only one dissenting Member, and the opinion of the Committee was, that upon two points it was desirable to frame a law which should immediately take effect. These two points were, first, the excessive inconvenience suffered by the public; and, secondly, the doubtful state of the law, and the conflicting decisions given by different magistrates upon it. Could anything be more urgent than that a law bearing upon the humbler orders should not be differently interpreted in different places? The inconvenience caused to the public had been proved before the Committee quite as satisfactorily as it could have been, had witnesses been called from every part of the country. The evidence of the superintendents of police at Bristol, Southampton, and Portsmouth had been taken. ["No, no!"] Such, at least, had been his impression. With regard to the Standing Order now proposed to be waived, nothing should have led him to assent to it if he had supposed that it was meant to bear the absolute construction now sought to be put upon it. Urgency was altogether a matter of degree; and it was open to every Member of that House to exercise his judgment as to the amount of urgency which should induce him to vote for proceeding with a particular Bill, notwithstanding the order on this subject. For the reasons he had given he should support the Resolution moved by the noble Marquess.

THE EARL OF SHAFTESBURY would not say that the law might not be amended, but he considered that on the 6th of August their Lordships should stand by an Order of that House on the faith of which so many Peers had left town, in the belief that no measure of importance was to be brought under discussion. Granting that a certain amount of inconvenience might exist from the present state of the law, still it could not be contended that there was any urgent reason why the alteration of that law should not be deferred until the next Session of Parliament. The noble Marquess (the Marquess of Clanricarde) had totally failed to make out the shadow of a case of urgency in support of this Resolution, and the Select Committee of the other House had reported in the same spirit, declaring that, owing to the advanced period of the Session at which they were appointed, it was impossible to carry out their inquiry to its full extent. If they could have so carried out their inquiry, they would have found that there was no urgency whatever in the matter. In truth, there was no other urgency than this—that, unless the Act were repealed this Session, it would not be repealed at all. If the House of Commons deemed it necessary to have an inquiry into this very important measure—the opponents of which admitted it to have done a considerable amount of good, although the noble Marquess seemed to argue that it was an unmixed evil—why should not their Lordships regard an inquiry on their part as equally necessary? and, if so, how could this course be pursued within a very few days from the end of the Session? The advocates of the existing Act offered evidence to the Committee, but it was declined, and most important evidence tendered by friends of his own was also rejected; while, on the other hand, out of thirty witnesses summoned from the country only one was examined. How could it be maintained that this was a case of urgency when the evidence was taken only on one side, when those who took that evidence themselves admitted that it was imperfect, and when evidence was refused which, if received, would have proved that there was no urgency in the matter, and that a very large proportion, if not an actual majority of the working classes of this country were in favour of the present law? Therefore, without asserting that the Act might not admit of amendment or relaxation, their Lordships, nevertheless, had a perfect right to inquire into this subject for themselves—a proceeding quite impracticable at that season of the year; and if, in cases of this kind their rule was to be suspended, the functions of that House would be reduced to the mere registration of the decrees of the House of Commons, without any power of independent action. He should, therefore, certainly take the sense of their Lordships on this Motion.

EARL GRANVILLE explained that the Committee had rejected evidence tendered upon both sides of the question, and not on one side alone. No Committee could ever get through its duties if it were bound to accept all the evidence offered to it, whether material to elucidate its inquiry or otherwise.

THE EARL OF HARDWICKE said, he felt some difficulty in making up his mind upon the subject. He was desirous of supporting the Orders of the House; but, at the same time, he thought that there were some parts of the present law objectionable. He, therefore, thought that under the circumstances it would be a proper thing to relax the law, and for that reason he would support the Resolution of the noble Marquess. He never was one of those who thought that they should adopt any very stringent measures in regard to public-houses; believing that they would, by such a course, be interfering with the ordinary comforts of the people. It was, no doubt, most advantageous that public-houses should be closed during Divine service, and, perhaps, at such a period of the night when all classes, particularly the working classes, ought for their own interests to have retired to rest. In other respects, he thought that the law ought to be relaxed. He would, therefore, support the Resolution of the noble Marquess.

LORD ST. LEONARDS said, he thought this was considered as a case of urgency by a Committee of the House of Commons; but their Lordships could exercise their own discretion, after looking at the evidence, whether this was a Bill that should be supported or not. Reserving his opinion on that point, he should support the Resolution.

THE EARL OF HARROWBY, after full consideration, was prepared to support the Motion for a relaxation of the Resolution their Lordships had lately passed. The Committee of the House of Commons had reported that this was a matter of pressing importance.

LORD CONGLETON said, that the public had now five hours and a half to buy their Beer on the Sunday—that was to say they took five hours and a half from the publican's Sunday. It was now asked to take away eight hours of his Sunday. The real question then was one of the public *versus* the publicans. The present law was founded on the Report of a Committee which sat for two Sessions, examined fifty witnesses, and reported in favour of closing the public-houses an hour earlier than was now the case. He was opposed to the Sunday Trading Bill, but this measure had nothing in common with the Sunday Trading Bill.

THE MARQUESS OF CLANRICARDE said, a very large number of the publicans had petitioned in favour of this Bill.

On Question, their Lordships *divided*:—Content 25; Not Content 16: Majority 9.

Bill read 2^a (according to Order), and *committed* to a Committee of the Whole House *To-morrow*.

MILITIA BALLOTS SUSPENSION BILL.

Moved to resolve—

"That the Introduction of the Militia Ballots Suspension Bill has been delayed in consequence of the War rendering it desirable that the Power to resort to the Ballot should not be suspended in the usual Manner until the latest possible Period of the Session, in case the Exercise of the same should become expedient; and inasmuch as the Exercise of the said Power is not at present required, the Circumstances which render Legislation on the Subject Matter of the said Bill expedient are of such Urgency as to render the immediate Consideration of the same necessary."

Agreed to; Bill read 2^a (according to Order), and *committed* to a Committee of the Whole House *To-morrow*.

ISLAND OF TOBAGO LOAN BILL.

Moved to resolve—

"That the Island of Tobago Loan Bill was necessarily introduced at a late Period, inasmuch as the Bill from the Colonial Legislature, on which the same is founded, was only received Three Weeks ago, and the said Bill, though the Provisions of the same are required by the Condition of the Island, cannot receive the Royal Assent unless this Bill be passed; and consequently the Circumstances which render Legislation on the Subject Matter of the said Bill expedient are of such Urgency as to render the immediate Consideration of the same necessary."

Agreed to; Bill read 2^a (according to Order), and *committed* to a Committee of the Whole House *To-morrow*.

TURKISH LOAN BILL.

Order of the Day for the House to be put into a Committee read.

Moved, That the House do now resolve itself into a Committee upon the said Bill,

Lord ST. LEONARDS said, he would take that opportunity of saying a few words. There could be no doubt that if the war on our part was just and necessary, it was right and proper to afford to our ally, Turkey, any assistance which she might require and we could bestow. Before, however, assenting to a measure of that description, their Lordships should be satisfied that it had not been in the power of the Government to obtain a satisfactory and honourable peace. Without going into a complete discussion of the proceedings at the Vienna Conferences, he wished to draw their attention to some things that had taken place there, in order to show to their Lordships—what he was strongly convinced of—that Russia never was sincere in entering upon those conferences, nor was she sincere in carrying them on, except for the purpose of carrying her own objects, and had never any intention to abide by anything she might admit in discussion. At the end of 1854, or the beginning of the present year, the Four Points were agreed to, the third point being that the treaty of 1841 should be reconsidered, for the double object of admitting Turkey into the European family, and for putting an end to the preponderance of Russia in the Black Sea. Russia admitted her preponderance, and that it should be put an end to. When the first conference was held those terms were very judiciously stated, and Prince Gortchakoff thanked Count Buol for having placed them so fairly. The main question for the conference was in what way the preponderance of Russia in the Black Sea should be put an end to. Upon that occasion Prince Gortchakoff took care to put in a salvo, a sort of proviso which did not sound alarmingly at the time, but which had produced some extraordinary consequences—namely, that Russia would agree to nothing that would compromise her honour. The allies, of course, had no desire to inflict any dishonour upon Russia, but were only desirous of arriving at some means of putting an end to the preponderance of Russia in the Black Sea. When the conferences began the first point was settled, and the second point was also settled, except as to one matter. It was proposed that England and France should be at liberty to have one or two small vessels of war to watch the mouth of the Danube, and see that the navigation was unimpeded, according to treaty. Prince Gortchakoff, however, would not enter upon any proposition to admit foreign flags into the Black Sea until the third point had been considered. Then came the third point—the first part of which regarded the admission of Turkey into the European family. That was agreed to, and it was considered by the three Powers, that Russia had agreed to guarantee the integrity of the Turkish territory; but Prince Gortchakoff entered a protest reserving to Russia the right of considering whether she would go to war to defend Turkey or not. Then came the question of how the preponderance of Russia in the Black Sea was to be terminated. It was proposed that Russia should take the initiative; but Prince Gortchakoff refused, and after some discussion Turkey was desired to take the initiative. Turkey, however, very properly replied that she was bound by treaty to do what her allies did. The Russian Plenipotentiaries desired time to refer to St. Petersburg, which was allowed, and a delay of some three weeks followed. He (Lord St. Leonards) would ask the House to consider the effect of that delay upon the army before Sebastopol. Nothing was so calculated to damp the ardour of soldiers when besieging a town or operating in the field as to know that peace was being treated for and would probably be concluded by negotiation. The delay, however, answered the purpose of Russia, and he could not consider that the demand for that delay was, on her part, a fair demand. It took upon that occasion some three weeks to communicate with St. Petersburg; but soon after, upon another occasion, Prince Gortchakoff was able to communicate from Vienna to St. Petersburg and receive a reply from St. Petersburg in a very short space of time. In point of fact, Prince Gortschakoff had, when invited to do so, the power to take the initiative, because Count Nesselrode, in a summary of the proceedings of the conferences shortly after they were closed, stated that the Emperor Nicholas, admitting the rights of Turkey over the Straits, was prepared to agree to admit the fleets of all nations into the Black Sea, provided that the Russian fleet was permitted to pass into the Mediterranean, and that the Emperor Alexander had declared that the determination of the Emperor Nicholas should be strictly adhered to. Could any one, then, believe that the knowledge of that resolution was not taken by Prince Gortchakoff to Vienna? But after the delay had been gained, Prince Gortchakoff announced on the 21st of March that he was ready to resume the negotiations, and then stated that Russia would not take the initiative. He however, made two important declarations—first, that Russia would not assent to any stipulation which should infringe her rights of sovereignty within her own territory; and next, that she would not submit by treaty or other means, to any limitation of the number of her vessels in the Black Sea. Now, it appeared to him (Lord St. Leonards) that the moment had then come for putting an end to the conferences; for the object being to terminate the preponderance of Russia in the Black Sea, that Power refused to consent to any arrangement affecting her territory or the number of her ships in the Black Sea. Russia would not agree to any limitation of her forces in the Black Sea, and said that it was necessary for the balance of power in Europe that Russia should have a considerable force in that sea. She made two counter propositions, one for opening and the other for closing the Black Sea. He would not discuss whether it was wise or not to reject those propositions; but when the conferences were closed Prince Gortchakoff made the important declaration, that in the eyes of the Russian Government, a formidable fleet of Russian vessels in the Black Sea was necessary to the support of the Ottoman Empire. In the conference the Russian Minister said a "considerable force," but he wound up his declaration afterwards by saying a formidable naval force in the Black Sea was essential to the protection of the Porte. No doubt it was essential to the carrying out of the views of Russia, but how it should be essential to the liberties of Europe or the safety of Turkey exceeded anything which the ingenuity or sagacity of man could discover. He had not been unobservant of the proceedings at Vienna, and the conduct of the Government in reference to those negotiations. He knew it had been said that in the face of Germany we had appeared to have thrown away the opportunity of making peace. But while he regretted Lord John Russell should have expressed his concurrence in the Austrian proposition, he was of opinion that the Government acted rightly in rejecting it. With respect too to the subsequent suggestion made by Austria that Russia and Turkey should meet and agree to a limitation of their naval forces in the Black Sea, and then communicate the proposed arrangement to the conference, he conceived the Government had acted wisely in the course they had taken, for the propositions were in reality nothing more than those which the Russian Government had rejected in the strongest terms at the conferences. It was forcibly expressed by M. Drouyn de Lhuys, when he said the Russian Government not only refused to guarantee the territory of Turkey, but refused, in the most peremptory manner, to submit to any sort of limitation of her naval forces, even in the form of a treaty between her and Turkey. But even if Russia had accepted the suggestion, it was utterly impossible this country could be deluded into a second conference upon a point which, when it had served the purpose of delay, would undoubtedly have come to nothing. As regarded the general question, he had himself arrived at the most satisfactory conclusion that the war was just and necessary, and that they were bound to prosecute it to a successful issue; and he could not understand any man who had concurred in entering upon the war wishing to put an end to it at a moment like the present, when the Russian fleet could not show a single flag in the Baltic or the Black Sea, when successes had been achieved in the Sea of Azoff, which might be repeated in other quarters, and when the gallantry of our own countrymen and of our allies in the attack of Sebastopol was more conspicuous than the gallantry of the Russians who defended it — gallant as unquestionably that defence had been. With respect to the Bill before the House, he regarded it as no longer a guarantee, but a loan. He could not but regard it as impolitic to take a special pledge from Turkey of the Egyptian tribute and the Customs of Smyrna. By the Convention we became, with France, assignees of that tribute, and if the interest upon the loan were not paid it would be our duty to enforce the payment. But supposing we went to Egypt and insisted upon the payment to us of the tribute. Would not the Pacha of Egypt ask us why we put ourselves in the place of his Sultan, and demanded property that never belonged to us? The security of the Customs of Smyrna was open to the same objection. What were we to do supposing the interest were not paid? Were we to take possession of the Custom House of

Smyrna? If we did not, the money would go into the Exchequer of Turkey, and would be lost to us. Turkey might pay the interest for the next year or two, but it was impossible to suppose that Turkey could answer the obligations of this Convention in the time to come. He strongly recommended the Government to get rid of these pledges of the Egyptian tribute and the Customs of Smyrna. He regretted also that the translation of the Convention, as given in the Bill, had been so inaccurately made. As soon as there appeared to be some doubt as to the meaning of the French words "*solidaire*" and "*solidairement,*" he had referred to a dictionary compiled 150 years ago, by Richelet, an *avocat*, where he found the words thus translated—

> "*Solidaire.*—Terme de pratique. Il se dit des obligations que passent plusieurs personnes ensemble, lorsque chacune promet de payer la somme totale. *In solidum.*
>
> "*Solidairement.*—Terme de pratique. D'une manière solidaire. L'un pour l'autre. *In universum. In solidum.*"

But by the translation of the Convention the obligation had been made a joint obligation, and not a joint and several obligation. Thus in the first article of the Convention Her Majesty bound Herself "jointly with the Emperor of the French and severally," but the words "with the Emperor of the French" were not repeated after "severally." So that, in plain language, the Queen gave a guarantee for the whole loan jointly with the Emperor of the French, and severally by herself, while the Emperor of the French only bound himself jointly with the Queen. The words ought to have been that the Queen bound herself jointly and severally with the Emperor of the French, and that the Emperor of the French bound himself jointly and severally with the Queen. [The LORD CHANCELLOR remarked that the Convention could not now be altered.] The form of the Convention itself was correct enough —what he complained of was that it was a mistranslation. Let one of the young gentlemen of the Foreign Office translate it properly and all would be right. As the Convention stood, it allowed the creditor in the case of nonpayment by France, to compel this country to pay the entire sum. Since this Bill had been before the Lower House, the noble Earl and the French Ambassador had signed a declaration which he thought would surprise many Members of that House. The Convention contained a great deal to lead to the inference that England meant to provide the whole amount in the first instance, in case Turkey failed to make good her payments, but she was not bound by any obligation to that effect. Since, however, the time when this Bill was first introduced an agreement, amounting in its nature to a contract, had been entered into between the English and French Governments, to the effect that, in the event of Turkey not remitting the sum for the dividends, England would provide the whole, and upon an account being furnished, France would immediately remit her portion of the sum. Now, according to his experience, there were no debts which were so unwillingly paid as those for which any person had become surety, and this was particularly the case when the surety was a joint one, and one of the sureties had paid his moiety, and claimed from his co-surety the payment of his portion of the liability. While, however, he said this, he wished to guard himself from entertaining for a single moment the idea that he entertained the slightest doubt as to the loyalty and good faith of the French Government in this matter—his remarks were solely directed to the nature of the contract. There was another point to which he wished to call the noble Earl's attention. Turkey was to remit to this country the half-yearly interest of the loan upon two given days, and he would suggest that the money should be made payable in England on subsequent days, or else a fund would have to be provided in the first instance for its payment before the arrival of the remittance from Turkey. He would have preferred a subsidy to Turkey, and would certainly not have been a party either to a loan or a guarantee. It would, in his opinion, have been much better to have received the money, and disposed of it under the control of the Government of this country, solely in relieving the military difficulties of the army, obtaining some efficient control over the Turkish army, in equipping the soldiers, providing them with proper rations, and in taking care that they were properly officered, and so directed as that the Turkish army should have been able to set at defiance any attack of the Russians on Kars or Erzeroum.

THE EARL OF CLARENDON: Although, perhaps, a considerable portion of my noble and learned Friend's speech would have been more correctly delivered upon the Motion for the second reading of the Bill, I certainly think he need make no apology for his address to your Lordships. My noble and learned Friend has, with great clearness, gone through the protocols and proceedings of the Conference at Vienna; he has summed up those proceedings, and has pronounced on them a judgment which will, I am sure, have a great effect on the public mind. But there is one point of his speech upon which I think it necessary to make a few remarks. This point had reference to the ill effect which one portion of the proceedings of the Conferences of Vienna had upon the army in the Crimea. My noble and learned Friend said that one of the propositions with respect to the third point and the preponderance of Russia in the Black Sea had been sent to St. Petersburg, and that a delay of eighteen days had taken place in the proceedings, by which delay, as my noble and learned Friend thinks, a prejudicial effect was produced upon the military operations before Sebastopol, as it was impossible for the generals there to act with ardour and vigour when they knew that negotiations for peace were going on. But that observation would apply equally to any part of the conferences. The object of those conferences was to lead to peace; but foreseeing that the knowledge of these negotiations might have some effect upon—that they might to a certain extent paralyse—the exertions of our armies, the English and French Governments stated to Lord Raglan and General Canrobert that the conferences were held at the especial invitation of Austria, because they thought it was their duty to omit no chance of arriving at a peaceful solution, but that they had no reliance that the negotiations would end in peace, and they urged both the generals, not only not to relax, but to increase their efforts, because they believed nothing would more tend to a successful and peaceful solution of the question than successful operations of the army in the Crimea. Therefore, although this delay may have taken place, I have not the least idea or belief that it had any such effect as my noble and learned Friend supposes. My noble and learned Friend, also, expressed his regret that my noble Friend (Lord John Russell) should have so far lent himself at Vienna to certain propositions which he laid before Her Majesty's Government that an opinion was created in Europe, particularly in Germany, that we had rejected terms which we ought to have accepted. Now, there has been a good deal of misrepresentation with regard to my noble Friend's conduct. He certainly went to Vienna, and his conduct throughout the negotiations proved that he was heartily desirous of a safe and honourable peace. As he was leaving Vienna these propositions were made to him, and it would have been unjust on his part if he had refused to bring them under the notice of Her Majesty's Government. He thought that Her Majesty's Government ought to have the opportunity of fairly considering something that was different from what they had themselves proposed, and from what he had been instructed to propose; and as there was stated to be some chance of Russia acceding to the terms, it was the duty of the noble Lord to let his Government have the opportunity of deciding upon the merits of the propositions. My noble Friend accordingly laid the propositions before Her Majesty's Government, and, after a communication with the French Government, Her Majesty's Government and the French Government concurred in reasons which induced them to consider that those propositions ought not to be accepted. I cannot, therefore, conceive how the conduct of the noble Lord can have given rise to the unfair imputations which have been cast upon it in this matter. I am glad to hear that the noble and learned Lord considers the war just and necessary, and that, consequently, it must be carried on with vigour, and I quite agree with him that it would be a very short-sighted policy not to do what we can to enable the Turkish army to be turned to the best account. Unless the Turkish army is properly equipped, fed, and paid, it cannot render us the assistance we require. The noble and learned Lord appears to think a subsidy would have been a better mode of affording pecuniary aid to Turkey, and I am far from dissenting from what fell from him and from the noble Earl (the Earl of Ellenborough) the other night on this subject. I think the principle of a subsidy may be defended, and I am not prepared to say that if this war last long we may not feel ourselves compelled to have recourse to it, however repugnant it may seem to the people of this country. But we were not in a position to adopt that principle in this instance. The Turkish Government came to us, and said—

> "We have the means and the intentions of paying both the principal and the interest of the loan we are compelled to raise for the common cause; but if England and France will go sureties

for us, we shall obtain the money we want upon easier and better terms, and to that extent shall be more able to aid in conducting the war with energy."

With such assurances from Turkey, could we have said, "We do not believe in your alleged means of paying the debt, and we shall, therefore, insist on your accepting the money as a present," thereby imposing a burden on the people of this country? Obviously we could not. As to the noble and learned Lord's legal objections to the details of this guarantee, the obligations it constitutes no doubt might possibly be evaded; but then there never was a treaty or other engagement entered into between different nations that did not depend for its fulfilment upon the honour and good faith of those who were bound by it; and certainly, looking at the terms and objects of this Convention, it seems to me to be about as plain and straightforward an arrangement as could well be devised. True, it was considered at the Foreign Office that the use of the word *solidairement* was nothing more than a repetition of the meaning of *conjointement*—the two phrases being thought equivalent to "jointly and conjointly;" but it should be remembered that it is neither the Convention nor this Bill, but the bond entered into, that will give the creditor his claim; and that the same instrument will define the extent of the responsibility of the debtor and the remedy against him.

Lord ST. LEONARDS explained that he had not said that he was in favour of a subsidy, but that he preferred a direct subsidy to a guarantee that would end in a subsidy. No doubt the bond would give the creditor his security.

The LORD CHANCELLOR was sorry, after the very candid and open speech of the noble and learned Lord, to be obliged to express an opinion somewhat different from his on a merely technical point. No doubt the translation of this Convention had been incorrect; but in a contract of this nature, whether the two nations engage themselves jointly, or jointly and severally, is a matter absolutely unimportant. In the case of a contract between private individuals, it was an advantage to the creditor to be able to sue the persons indebted to him either jointly, or any one of them severally; but the analogy between that case and the case of two States was not perfect, but only partial. No suit could really take place against nations jointly or severally; and the rights of two nations depended entirely on what was the engagement between them. In the case of a default, the bondholder could only apply to one of the two Governments, and, after liquidating his claim, that Government would have a right to apply to the other for a moiety of the money.

Lord ST. LEONARDS had not been in the habit of dealing with contracts of this kind between nations; but he knew that the French Government, in drawing this treaty, had drawn it according to the strict forms of law, and in this instance our Government had mistranslated the Convention.

Motion *agreed to;* House in Committee accordingly; Bill *reported* without Amendment; and to be read 3^a *To-morrow.*

HOUSE OF COMMONS,

Monday, August 6, 1855.

Minutes.] Public Bills.—1° Public Health (No. 2).
2° School Grants Security for Application.
3° Lunatic Asylums (Ireland) Advances; Navigation Works (Ireland); Diseases Prevention; Criminal Justice.

CRIMINAL JUSTICE BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. T. CHAMBERS said, he rose to move that the Bill be read a third time that day three months. If he wanted a justification for the course he now took, he should find it in the fact that the Bill, though dealing with a great constitutional question, and effecting extensive changes in the criminal judicature of the country, had advanced to a third reading in that House without any discussion whatever on its principle. It came down from the Lords in February, and was read a second time, without debate, on the 26th of March; it was then referred to a Select Committee on the 23rd of April; that Committee made their Report on the 24th of May; the Report was considered, after midnight, on the 25th of June; and now the Bill came on to be read a third time on the 6th of August. It was not within the scope of a Select Committee to decide upon the principle of a Bill; they had, however, in the measure now before the House, dealt rather largely, for they had cut it in half, retaining one half and rejecting the other. All previous reforms of the courts of law had had for their object the removal of inconveniences which had grown out of the practice of those courts during a long period of years, but care was taken to retain in all their integrity the tribunals themselves. The Bill, however, went actually to abolish the great constitutional tribunal for trying criminals in this country, and sought to set up an entirely new tribunal in its place. Now, he would ask, had there been any reason assigned for the introduction of such a measure? The Bill itself gave no information upon that point, for it had no preamble. There had, however, been only two reasons stated in favour of it—the one was that there was at present great delay in trying persons for light offences, and the other was that great expense attended those trials. He denied that these evils existed to any considerable extent. In almost every county in England there were quarter sessions and adjourned or intermediate sessions, so that there were courts held for the trial of persons for light offences about every six weeks. In large towns and cities the sessions were held even oftener than in the counties; upon the average, therefore, the delay that took place between the committal and the trial of any person for light offences would not exceed more than three weeks. Surely such a delay was not a sufficient reason for abolishing one of the highest judicial tribunals in the land. But it was said that men were often acquitted after having been imprisoned three weeks, and that that was a grievance which ought to be remedied. It should, however, be remembered that a verdict of "Not Guilty" was not equivalent to the establishing of a man's innocence. But even if it were true that every person who was acquitted was innocent, still there was a better remedy for the delay than the one proposed by the Bill now under consideration—namely, the giving greater facility for holding persons to bail. It was very desirable to educate the people up to a point when it should be felt that they were safely within the custody of the law by being bailed until the time for their trial. With regard to the saving of expense, which was obviously the great point with those who desired an alteration of the law (for in the three or four petitions, which were all that had been presented in favour of the Bill, that point was very much dwelt upon) he maintained that, although the argument of expense was not to be altogether disregarded, yet it was the most trivial and the most unworthy that could be urged. But, supposing these two arguments of delay and expense were entitled to much weight, would the Bill remove those evils? He denied that it would, for, even if there were only one remand by the magistrate, it would detain the prisoner in gaol as long as he would be kept there under the present system; and as to the expense, he contended that the Bill, so far from diminishing, would increase it very much indeed. There must be court-houses and officers to attend them, by which great charges would be incurred by the counties. The prosecutors and witnesses must also be paid as now. What constituted the heavy cost of the administration of the law was the expensive fixed tribunals of the country at Westminster Hall, the assizes and quarter sessions, with all the apparatus of Judges, Recorders, Chairmen, Clerks of Indictment, and so on. No provision was contained in the Bill that would diminish any portion of that vast charge. But, apart from the questions of delay and expense, was not the present measure open to objection on other grounds? The first clause gave two or more magistrates in petty sessions a summary jurisdiction in cases where the property stolen was not above *5s.* in value, unless the prisoner objected to it. Now, here by the very first clause was set up a fallacious test of the character of crime. It was assumed that the magnitude of the crime depended upon the pecuniary value of the property abstracted. Nothing so fallacious in principle had ever before been introduced into an Act of Parliament. He would give the following case: a man was charged with stealing a piece of paper value one halfpenny—a very small offence under the first clause of the Bill—but that piece of paper was a leaf torn out of a ledger, and stolen for the purpose of concealing frauds to an enormous extent. He was aware that power was given to the magistrates at petty sessions to decline exercising their jurisdiction. But that was very objectionable. It was bad in principle. So, again, the prisoner had an option given to him whether he would be tried by the magistrates summarily or by a jury at the sessions. But that was an equally false principle. In point of fact, however, though the Bill professed to give the prisoner an option, he never would be able to exercise it in the rural districts. The police would take care so to arrange the whole thing as effectually to deprive him of that option. But the proposed new tribunal would be unfair to the accused in another respect. At present, after the grand jury had found the Bill, the accused was tried before twelve men, who were all unknown to him; and he had a right of challenge; but the Bill would bring him before a new tribunal, consisting of two magistrates, who were living in his own neighbourhood and who probably had known him from his youth, and were acquainted with all his peccadilloes and infirmities of character. Again, he would be tried in a private court instead of a public one, and he would not be able to obtain the assistance either of counsel or attorney, although the Bill professed to give him the right to be so assisted. It was, however, well known that practically it could not be done. There was still another objection—the right of appeal had been taken away. [The ATTORNEY GENERAL: The writ of *certiorari* is not taken away.] He was aware of that, but the right of appeal was, and ought not to be in cases of that description. A further and a still more important objection to the Bill was that, if it were acted upon, it would have the effect of throwing the fate of every poor man in the rural districts helplessly into the hands of the police. He knew a great deal of the tyranny exercised by the police in those districts, and, if the Bill should pass, the whole administration of criminal justice in country places would be entirely in the hands of the police. Justice ought not to be made to flow through artificial channels but through the natural channels—namely, the parties whose property had been stolen. That those artificial channels might be corrupted he would not say, but it was a mode of administering criminal justice open to suspicion, and not at all calculated to invite public confidence. In a very extraordinary case—that of the Dagenham murder—three policemen and an inspector were guilty of wilful and deliberate perjury for the trivial purpose of avoiding being censured for neglect of duty by their superiors. Those cases proved how necessary it was to guard against the administration of justice being placed in the hands of the police. The present Bill was not only unfair to the accused, but also to the prosecutors. At present, when a prisoner was tried at sessions, and had been previously convicted, such previous conviction was given in evidence against him, and the prisoner consequently received an adequate punishment; but under the present Bill those previous convictions would not be made known, and the offender would escape the punishment he justly deserved on account of them. He objected to the Bill also because, under its provisions, all those aggravated circumstances which changed the character of simple larceny would be liable to be omitted, in order to bring cases under the jurisdiction of the magistrates. They ought also to be most careful how they tampered with trial by jury. They had already infringed upon that great principle, but in the former case they had proceeded on the more valid principle of the age of the offenders, while in the present instance the value of the property was the fallacious principle on which they based their exceptions. He thought that all would agree with him in considering that of late years the current of our legislation had been more in favour of order than of liberty, that they took more care of property than of character and persons, and that they were throwing down safeguards which, though apparently of little importance at present, might in a short time, from a change of circumstances, become of the highest possible moment. The Bill was most objectionable on social grounds, for it would by casting the most invidious duties on magistrates tend to widen the breach between classes, and he was surprised that the magistrates had not on that ground alone petitioned against the Bill. They ought to touch with most tender hands the tribunal of justice, but in the present instance it had been dealt with rashly and unsparingly, and he therefore trusted that the House would not agree to the third reading of the Bill.

MR. KENNEDY said, he would second the Amendment, as he believed the Bill would be most mischievous and disastrous in its effect, and would give a very unjust impression as to the administration of law in the country.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

THE ATTORNEY GENERAL said, that so far from concurring with the view of the hon. and learned Member that the Bill would be a mischievous and disastrous change in our legislation, he believed that it would be eminently beneficial. Everybody knew that there was a numerous class of cases in which the amount of property, the subject-matter of offence, was so small, and in which the punishment inflicted was of such a character, that it was a matter of regret that the party accused should be confined for any length of time before being sent to trial, and that he could not be dealt summarily with by the magistrates. If it was merely a question of expense, and they were making the administration of justice less excellent, with a view of diminishing expense, then they would not be justified in proceeding on such a principle; but if, while they were lessening the expense, they were also achieving a great good, then the question of expense ought not to be overlooked. The present Bill would prevent the expense of taking witnesses to quarter sessions; and, as regarded the prevention of delay, would, notwithstanding what had been said by the hon. and learned Member (Mr. T. Chambers) on that subject, effect considerable improvement, as at present the period of punishment was frequently less than the period of imprisonment during which the person awaited his trial. Another great evil attendant on the existing state of the law was that prisoners were subjected before trial to the contamination of the company of the worst of criminals, it being impossible to classify them till after conviction, and the result was that many persons who entered a gaol innocent or only slightly criminal, left it hardened offenders. As regarded the constitutional objections which had been raised against the Bill, the greatest care had been taken to provide proper security for the prisoner, it being imperative on the magistrates to offer him, before his case was proceeded with the option of being tried by jury or of having his case summarily disposed of, He differed entirely from the hon. and learned Member as to what he had said respecting the police, for his (the Attorney General's) own experience led him to believe that the police would prefer the cases being sent to assizes and quarter sessions, and that they would endeavour to induce prisoners to submit to the jurisdiction of the magistrates. The action of the tribunal proposed under the Bill was not a question of public confidence; it was constituted only to dispose of a class of cases which should never be brought before the higher courts, while the magistrates had the option with respect to their jurisdiction in the case of old offenders, and the provision absolutely met the objection raised by the hon. and learned Member to that particular point. He believed that the

Bill would be of the greatest benefit to the criminal, to the magistrate and to the country, and he should therefore greatly regret the adoption of the Amendment which had been proposed.

Mr. BARROW said, he was anxious, where it could be avoided, that no persons should be made an inmate of a gaol before his conviction; but there were cases for which bail could not be taken; and his experience of prisons was such that he was anxious the Bill should pass. It was attempted to separate prisoners before trial from prisoners convicted by solitary confinement; but he could not think that that was just to the accused. Neither did he think that trials at quarter sessions, conducted as they were, much improved the prisoners. On those grounds, therefore, he supported the Bill, though he thought the subject was one which ought to have had a longer discussion in that House. The Bill, however, had been some time before Parliament, and the public were, therefore, aware that a change was contemplated in the law. The questions of expense and time lost to the prosecutors and the jury were, in his opinion, of considerable consequence in estimating the value of the Bill.

Mr. M'MAHON said, it was deeply to be regretted that the Bill had not received a more extended discussion. He was of opinion that cases of petty larceny might be safely dealt with by summary jurisdiction; but he objected to that portion of the Bill, which made all stealing above the value of 5*s*. felony. The third clause of the Bill gave justices in petty sessions the power of dealing with offences punishable by death, transportation for life, or transportation for seven years, and punishing them at their option with from one day to three months' imprisonment. It was, therefore, in his opinion, wrong to pass a Bill of the kind; and the Government ought to postpone it until the next Session, when the whole subject of the criminal law alteration could be brought under consideration. He thought the Bill dealt with some of the nicest questions which came under the action of the law in a very inadequate manner. As regarded Ireland the Bill would be very injurious to the public, as it gave extraordinary discretion to two magistrates, who in many cases were not competent to decide the legal points that might be raised under its operation. The Bill also barred all actions for the recovery of stolen property, by empowering the magistrates to grant a certificate upon confession of the party accused, which would have that effect. One of the results of the Bill would be to create a bidding on the part of petty sessions against assizes and quarter sessions. He thought a short Act of Parliament subjecting parties committing petty larcenies and offences to pecuniary costs and damages would be more effectual to check those offences than the maximum of imprisonment inflicted by the Bill under consideration. He believed that if all the cases of the kind in question were to be triable before petty sessions, at least four-fifths of the cases would be taken from the quarter sessions, the magistrates would get tired of the increased duties, stipendiary magistrates would have to be appointed as in Ireland, and the country gentlemen, who had hitherto done their duty satisfactorily and cheaply, would be completely superseded by a host of Government *employés* at 1,000*l.* a year, which, moreover, the counties would have to pay for. He should, therefore, support the Amendment.

Mr. BAINES said, that the real principle of the Bill was contained in the first two clauses under which a certain summary jurisdiction was given to magistrates of dealing with small offences, instead of their being sent to quarter sessions or assizes. He might, as Chairman of the Select Committee to which the Bill was referred, be permitted to state that every care was taken to surround the exercise of the new jurisdiction which was given under the Bill with every safeguard, so as to make it work in as unexceptionable a manner as possible. With regard to the constitutional propriety of the Bill, he would only state that Lord Brougham had expressed an opinion as to the great importance of the measure, and that the Lord Chief Justice Campbell had congratulated grand juries on the probability of a Bill of the nature of the one before them being passed during the present Session.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 3°.

Clause (Appeal, 7 and 8 *Geo.* 4, c. 29, s. 72), *brought up*, and read 1°.

Motion made and Question proposed, "That the clause be now read 2°.

Debate *adjourned* till Wednesday.

THE ROYAL SOCIETY.

Lord JOHN RUSSELL said, he wished to make a statement in reference to some remarks that had been made in another place as to the appropriation of a sum of money from the Special Service Fund to the purposes of the Royal Society. It had, he understood, been alleged that such an application of any portion of the fund in question was a misappropriation of a fund specially intended for charitable purposes. He could only state what was his own impression upon the subject, and that impression was that the fund was intended to be devoted to special services and the Royal Bounty, and the proposal he made was, that if sums of money were applied through the Royal Society to discoveries, inventions, and scientific purposes of that nature, it might fairly be considered as an appropriation for special services. Of course, after such application had gone on for three or four years it might be right for the House no longer to consider it in the light of an appropriation for special service, but then, as it appeared to him, it was still a special purpose for which the Government might propose, and Parliament very properly might vote a sum of money in the Estimates. What he wished to observe, therefore, was, that it was not a misappropriation of money intended for charitable purposes, but an appropriation for a special and useful purpose to which the fund might properly be applied, for it must not be forgotten that though science had an eye that never closed and a wing that never flagged, it had not a purse that was never empty. He did not consider the appropriation an improper one, and he hoped a sum of money, not exceeding the amount which had been granted, would continue to be allowed from that or some other source for the promotion of scientific objects.

Mr. HEYWOOD said, that next Session he would move for a Select Committee to consider what public measures might be adopted for the advancement of science. The Royal Society did not consider the sum in question a charitable grant, but money given in aid and for the promotion of science. He thought it right to say that the grant was a spontaneous act of the noble Lord the Member for the City of London.

Viscount PALMERSTON said, it was impossible to continue the grant out of the fund from which it had been hitherto derived; but he was sensible that the purposes to which the money had been applied were deserving of public encouragement, and he believed that the grant had been economically and judiciously expended. What he proposed to do was, for the present year, to issue the sum of 1,000*l.* out of the amount voted for unforeseen services, and next Session to include in the Miscellaneous Estimates a like sum for the Royal Society.

CHARITABLE TRUSTS BILL.

Order for Committee read.

THE ATTORNEY GENERAL, in moving that the House resolve itself into Committee to consider the clauses, said, as the understanding was that the discussion should be taken at that stage, he would state shortly the leading principles and provisions of the measure. He regretted that a measure of such importance had been delayed to so late a period of the Session, but as far as he was concerned the delay was inevitable. It had been charged against him by the public press that he had been the cause of the delay, and that he had been influenced by sordid motives, being anxious to prevent the diminution of the fees and emoluments of his office, which would be affected by the Bill. Never had a more unfair or unjust charge been made. He had himself introduced a Bill based upon the same principle, and having the same object in view as the present measure of which the present Bill was an Amendment. That Act appointed a Commission, with powers almost as large as they would be under the present Bill. An extension of those powers in certain directions had, however, been found necessary, and not only was he extremely anxious that that extension should take place, but he had used every possible exertion to effect that object, by expediting the progress of the measure, which he was charged with having, from unworthy and sordid motives, impeded. The reason of the delay was that when the Bill came down from the Lords, about the end of June, the House of Commons were so engaged in pressing on the various measures still before them, in order to send them up to the other House before the 24th of July, after which that House had resolved not to read any Bill a second time, that there was not time to consider any measure sent down from the Lords to the Commons. It had been asserted, as he had just stated, that he, as Attorney General, regarded the extension of the powers of the Commission as an innovation of his rights, that he complained that the measure would interfere with his jurisdiction, and diminish the emoluments of his office. A more ungenerous or unjust charge had never been made. With regard to the loss of fees, the total amount of the fees arising from the fiats upon Commissions and other allowances with which the Bill would interfere, amounted only to 25*l.* a year. The Act of 1853 established a Commission, the powers of which the experience of the last two years had proved to be too limited for the purpose for which they were intended. That Commission had large powers of inquiry—power to call for accounts, reports, and statements, and they had two inspectors whom they could send down to the country to inquire into the management of charitable trusts, the appropriation of the funds, and other matters connected with them; they had power to give advice to trustees when required, and trustees acting in accordance with the advice so given were to be deemed to have executed their trusts in conformity with law and equity. They had power also, under the existing Act, on the application of the trustees, to remove schoolmasters and schoolmistresses. They had, however, no administrative powers, and where administrative powers were required, it was still necessary to invoke the aid of the Court of Chancery. As he had said, the experience of the last two years had shown that the powers of the Commissioners were not sufficiently large, and to supply that defect was the chief object of the present Bill. In the first place, under the existing Act, the salary of one of the Commissioners would drop at the end of the present year; and as it was clear that the work of the Commission could not be carried on with a smaller staff, some provision in that respect was necessary. Then, at present the Commissioners could only examine witnesses on oath by means of the two inspectors, and it being requisite in many cases that they should be enabled to carry on such examination by themselves, it was proposed in the Bill to give to the Commissioners the same powers as they now exercised by their inspectors. Again, it having been found that the present number of the inspectors was too limited, it was proposed to take powers in the present Bill to add to them, and to enable the Commissioners to appoint other inspectors, more especially temporary local inspectors, to act in cases where it might not be worth while to send down the permanent inspectors. It was proposed also to extend the powers of the Commission in various other directions. For instance, where the trustees were disinclined to act, it was thought desirable to empower the Commissioners to put in motion the powers of the Act for the purpose of carrying out the objects of the trust, and to take steps for the removal of schoolmasters and mistresses. The Commissioners might on application by the trustees sanction improving leases, and even the alienation of property, and it was desirable to give them powers independent of the application of trustees to do all those things which they were now empowered to do on such application. The most important point in the Bill related to the increased jurisdiction of the Commissioners. They had now no administrative powers. In cases of charities below 30*l.* a year the jurisdiction rested in the Judge of the County Court, or the district Commissioner of Bankruptcy, and above that amount it was necessary to resort to the Court of Chancery. It was thought that such cases should be put on a different footing. At present no scheme for charities under 30*l.* a year could be carried out by the County Court Judge or the Commissioner of Bankrupts unless sanctioned by the Commissioners, and it was thought that the Commissioners should have power to do that without the intervention of the Judges of the County Courts or the Commissioners of Bankruptcy. As the Bill was introduced in the House of Lords, that power was given not only in cases under 30*l.* a year, but it was unlimited. That was objected to, and the power was limited to cases under 10*l.* a year. Even with that limitation the power would work beneficially, for out of over 28,000 charities, there were under 5*l.* a year, 13,331; above 5*l.* and under 10*l.*, there were 4,641; making an aggregate of nearly 18,000 charities, with an income of 110,000*l.* a year, which would come under the jurisdiction of the Commissioners, even if it were so low as to reach only to cases of 10*l.* a year. But, as they now exercised a controlling power over cases of 30*l.* a year, it was thought desirable that the complicated machinery of the County Court and the district Court of Bankruptcy should be got rid of, and he proposed to extend the power of the Commissioners from cases of 10*l.* a year to those under 30*l.* By that means, charities above 20*l.* a year, and under 30*l.*, and producing 90,000*l.* a year, would come under their jurisdiction. To that extent he proposed to limit their jurisdiction, although he was bound to say that, in his own opinion, it would have been better to have given the Commissioners unlimited jurisdiction; but as there was no chance of the House of Lords agreeing to that alteration, while there was no objection to limiting it to 30*l.* a year, he should confine himself to that proposition. That was, as he had previously stated, the most important feature in the Bill, and its necessity was proved by the simple fact that it was impossible, looking to the procedure of the Court of Chancery, that any charity producing a sum under 30*l.* a year could go into that Court without being seriously crippled by the expense. He was aware that the Commission was not an open Court, and so subjected to the control of public opinion; he fully felt the force of that objection, but he had only a choice of evils; either that small charities which could not bear the expense of the Court of Chancery should be sent there, or if that was not done, unless you resorted to some tribunal like that of the Commission, they would be left without any administration at all. The income of charities amounted to about 1,000,000*l.* a year, and it was important that they should be under the control of some public body. Till recently, there had been no efficient control over them, and though the Attorney General's duty was, as far as he could, to see that they were properly administered, and if they were not, he could bring them into the Court of Chancery, he had no means or machinery for acting in all cases. Great abuses existed in the administration of charities, and Lord Brougham, many years ago, brought the matter before Parliament, and various Commissions had been appointed, and cases brought before the Attorney General by means of which a sum of about 1,000,000*l.* had been recovered for public charities. The present Commissioners had power to inquire into and advise in cases of charities, but they had no controlling powers, and they were not able to settle any question without litigation; and it was to remedy that defect that the present Bill was introduced. He regretted to find that he was threatened with considerable opposition, and especially from the hon. Member for West Worcestershire (Mr. Knight), who threatened it in every stage. He hoped, notwithstanding, that it would receive the sanction of the House of Commons. The Commissioners had shown that they were deserving of confidence; they had heard 3,000 applications in charity cases in the course of last year, and they had given very great satisfaction on the whole. He could not help thinking that a great boon would be conferred on charities by placing them in the hands of disinterested and impartial men, who would do their duty; while the measure would act as a great relief to the smaller and weaker charities in the matter of expense.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. WINN KNIGHT said, it was his intention to move that the House go into Committee on the Bill that day three months. He did so from no feelings of animosity towards the charity Commission as at present constituted. He should be very willing to strengthen the existing powers of the Commissioners, very great as they were, but he objected to the absolute powers of control and administration which it was proposed to give them by the Bill. He admitted that the Commissioners had exercised their powers beneficially for the charities with which they had dealt; but he protested against a measure like the present being brought in at that late period of the Session, when, if it was passed, it would be done practically without consulting the House of Commons. The Bill would give power to upset the foundation of every charity, and put them wholly in the hands of the Commissioners. The powers proposed to be given to the Commissioners under the Bill, were, he contended, almost unconstitutionally extensive, the whole of the enormous funds of the charities were at the disposition of the trustees, and there was no security for their safety provided in the Bill. Now, he did object, at that late period of the Session, to a change which would give the Commissioners absolute authority over the whole of the charities of England. He looked upon the Bill as totally unconstitutional, both in its general principle and in many of its details. By its provisions the will of every founder of a charity was upset, and the whole power over and management of 35,000,000*l.* worth of property were placed in the hands of the Commissioners. Nothing could be more monstrous than the powers which the Bill proposed to vest in the Commissioners and official trustees, and, instead of increasing the security of the charity funds, it would take away almost the only security that now existed. If the measure passed in its present shape no respectable man would become a trustee, and the result would be that the funds would be placed in the hands of agents to deal with as they thought fit. Indeed, so very imperfect was the Bill, that it would require the most careful consideration and amendment before it could pass into law. He found that, according to the Act of 1853, the Commissioners were bound to submit to Her Majesty, and to present to Parliament in the month of February in every year, all the schemes they had approved. The Commissioners had been in office for nearly a year and a half, but, although they had inspected some 800 charities, they had only matured their schemes in two cases, and he could not help fancying that, when they were asking for such extensive additional powers, they did not wish the House to be acquainted with the enormous powers they already possessed. He might observe that, although their Report consisted only of four pages and a half, it contained no less than thirteen demands for more powers; and fifty clauses of the Bill—which contained altogether only fifty-six clauses. He thought that, before granting the Commissioners the enormous powers they demanded, Parliament ought to know how they had exercised the powers they already possessed. As the matter stood, the House was called upon to increase the power of the Charity Commissioners, and to establish such a central authority as never yet existed in England, without any evidence of the necessity of such a measure. He could not help thinking that an attempt was being made to smuggle the measure through the House, for many Members had left town who were unacquainted with its provisions, and who, he was satisfied, would have opposed its progress. The pretext that it was necessary to diminish the cost of applications to the Commissioners, and of informations laid at the suit of the Attorney General, would not bear investigation. Those expenses had been much reduced, and were no longer burthensome on the charities. He believed the real fact was, that the Attorney General had a barrister to look after that sort of business, who was called "his devil," and who had a solicitor employed under him. Formerly, the only mode of proceeding was to have a relator, some responsible person who would come forward and complain of the maladministration of any particular charity; upon his complaint the Attorney General was to institute a suit, and then if the complaint were dismissed as frivolous, the relator would have to pay the costs. But now the most frivolous and improper suits could be commenced at the instance of the solicitor to the Attorney General, Mr. Fearon, and all the costs would fall either upon the unfortunate charity or upon the public. He (Mr. Knight) was told by legal gentlemen that an enormous amount of business would accrue to Mr. Fearon if the Bill became law; the agents and inspectors appointed through the country would hunt up more cases, to the great profit of the solicitor, who happened to be a brother-in-law of the Chief Commissioner. The amount of the enormous bills which he made to be paid by the country was such as Parliament was not allowed to know; but they amounted to 77,000*l.* at one time, to which reference had been made. The whole business ought now to be taken out of the Attorney General's hands, and the Commissioners should have a solicitor of their own, paid by a fixed salary, like the legal officer of the corporations of some of our large towns, so that he would have no interest in making suits for the sake of costs. Last year, several of those suits were dismissed by the Master of the Rolls, who expressed a strong opinion on the subject, and observed that in all such cases there ought to be a relator who should be responsible for the costs. He (Mr. Knight) did hope, therefore, that the Government would consent to forego the Bill, and bring in one to continue the functions of the Charitable Trusts Commissioners for another year, and to strengthen their hands for usefulness, if it were needed, so that next Session a Select Committee might be appointed to investigate the whole question. If the right hon. Baronet the Member for Marylebone (Sir B. Hall), were to be Chairman of that Select Committee, and to conduct the inquiry in the same admirable manner in which his Select Committee that Session had been conducted, taking care to avoid undue centralisation whilst he insisted upon provisions for the effectual working of the machinery, then a Bill would probably be framed, not like the present, which would prove a Chadwickian thorn in the country's side, but one that would pass through Parliament with as general approbation, and with as great promise of a beneficial result, as the right hon. Baronet's Metropolitan Government Bill of the present Session.

Sir WILLIAM JOLLIFFE said, he would second the Amendment. It was in his opinion impossible, at that period of the Session, to give to the measure that amount of consideration which the importance of the subject with which it dealt demanded at their hands. The operation of the Charity Commission had been, he must confess, in many instances very beneficial; but he objected to the granting of powers which would supersede the trustees of all the charities in England.

Amendment proposed to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. MICHELL said, the only fault he found with the Bill was, that its provisions were not large enough; and if the management of all the charities were vested in the Commissioners, he considered it would be a vast improvement. From what he had seen of them, he had no doubt the Commissioners would work them all satisfactorily, and they might well have a judicial power conferred upon them, to do that for which the Court of Chancery was now resorted to, at a cost ruinous to small charities.

Mr. APSLEY PELLATT said, he should support the Amendment. The Charity Commission had only been in existence for a few years, and at present it was impossible to tell how far its proceedings would prove beneficial. He could not consent to the establishment of a close court for the adjudication of charity disputes. The Bill ought to have been introduced three months ago, instead of which the time of the House was wasted upon Scotch Education Bills, and Tenant Right Bills, which it was never imagined would pass.

Sir GEORGE GREY said, he hoped the House would consent to go into Committee on the Bill, especially as he thought there had been an understanding that that course was to be taken—and that if the provisions of the Bill required more consideration than could be given to them, it should then be postponed till next Session. By the first part of the Bill it was proposed to continue the third Commissioner, the payment of whose salary had been previously limited to two years; and it was further proposed to increase the powers of inquiry vested in the Commissioners, and to provide additional agency for the performance of the duties of the Commission. With regard to the administrative functions of the Bill he had heard great complaints that the hands of the Commissioners were so tied up by Parliament that they could not afford adequate relief. As the Bill stood the jurisdiction commenced at 10*l.* a year; his hon. and learned Friend the Attorney General proposed to extend it to 30*l.* a year; and having known cases in which an incompetent schoolmaster had been continued from year to year, because there were no funds belonging to the charity to pay the expense of his removal, he trusted the House would see if it could not provide a remedy for such a state of things.

MR. CAIRNS said, he must deny that it had been understood that there should be no discussion on the Order of the Day for going into Committee. [Sir G. GREY said, he must beg to explain; what he had intended to say was that the Bill should go into Committee for consideration.] It was a complete delusion to suppose, as the right hon. Baronet appeared to do, that the Bill would diminish the expenses of charity proceedings. His chief objection to the Bill, however, at that moment was, that the period was too late for considering a measure which affected no less than 24,000 out of the 28,000 charities of the kingdom. By one of its provisions it was proposed to give the Charity Commissioners power to appoint local inspectors, instead of sending down the London inspectors belonging to the Board, and all the expenses of those local inspectors during the time of their inquiries, were to be paid by the charity under inquiry. Charities which were at present under the control of the Court of Chancery would not by the present Bill be exempted from that control, and he wished to point out to the House that, whereas in that respect the measure offered no advantage, it would be productive of great inconvenience, because, while it gave to the Commissioners the power of exercising every possible function which appertained to a charitable trust, it in no way provided for the manner in which that power should be exercised. He wished to know if the administrative functions which the Bill would confer upon the Commissioners were to be exercised in public or in private? He was not prepared to say that the powers of the Commissioners should not be extended, but he hoped that the House would not consent to extend them except upon a well-matured plan, and one which had been considered by a Select Committee; and he might add that, in his opinion, a material element in any such plan ought to be an obligation upon the Commissioners to discharge their administrative functions in public. The hon. and learned Attorney General said that the Commission had given great satisfaction; but he (Mr. Cairns) entertained a different opinion, and the increase of the powers of the Commission, without a thorough change in its constitution, never would obtain for that body the goodwill of the country. If the Government earnestly desired to make the Board effective and to have the charities brought under better management than at present, they would withdraw the Bill at that late period of the Session, and bring in another next year, referring it for consideration to a Select Committee.

THE SOLICITOR GENERAL said, that one portion of the remarks of the hon. and learned Gentleman who had last addressed them consisted in a criticism of some of the details of the Bill, and that criticism would have been more appropriately made in the Committee on the Bill. Another portion consisted in a personal attack on the competency of the Charity Commissioners, and a third portion was made up of the ordinary lamentation, that the Government should attempt at that late period to retrieve the Session and make the best use of the remaining time, by passing some measures with which the House of Commons might have just cause to be satisfied. It could not be contended that it was now too late to consider the Bill, seeing that the subject to which it referred had been before the attention of Parliament for more than twenty years, for there was not a provision in the Bill which might not be traced to a Report of a Committee of that House in 1835, though, with the ordinary delay which marked attempts at legal reform, they were now trying to carry into effect some of the best recommendations of that Report. With respect to the Commissioners, it was hardly necessary for him, in their vindication, to advert to their professional character, long experience, and to the care and attention they bestowed on the examination of the cases brought before them. The hon. and learned Gentleman objected that the Commissioners did not sit in public; but it should be considered that the Commissioners constituted a Board for the performance of administrative duties; and it was essential to their right discharge that the business should be transacted without that opportunity for delay and expense which attended the performance of judicial functions. At any rate, if the hon. and learned Gentleman desired that the Commissioners should sit in open Court he could submit a proposition to that effect in Committee. With respect to the manner in which the Amendment had been introduced to the House by the hon. Member for West Worcestershire (Mr. Knight), he must confess that he could discern no sequence whatever in that hon. Member's remarks or ideas. He did not wonder at it. On the contrary, he felt considerable compassion for the hon. Gentleman, for it was perfectly plain that he had had his innocent mind imposed upon, and had been frightened by the stories told him by the body of practitioners he had been in communication with. The hon. Gentleman told the House that all the official trustees in England had run away with the funds in their possession; that the Commissioners had the power to commit whom they pleased to gaol; and he had found out that in the Commission there were thirteen members of one family. That, however, happened to be a larger number than all the Commissioners, Inspectors, and Clerks put together, and, unless the hon. Member went back as far as the time of the Flood, he could not show that they were related together. There was no provision in the Bill giving the Commissioners power to send any one they pleased to gaol, and, with regard to the official trustees, there was the same security for the money as existed in the Court of Chancery, and it was just as impossible for an official trustee under the Bill to run away with the money as for the Accountant General in Chancery to run away with the many millions nominally standing in his name. Let the House consider what the Bill really was. In 1820 a recommendation was made to that House by the Commissioners for the creation of a jurisdiction which would provide a summary remedy with regard to charities of small amount. That recommendation was repeated in the Report of 1835, which carefully pointed out what should be the ends and aims of any measure introduced into Parliament on the subject. It pointed out that there should be a Board armed with powers to continue the investigation into the condition of charities which had been begun in 1818. It then proposed that the Board should be armed with the most extensive administrative powers for the management of charities, and with summary jurisdiction respecting charities of small amount. Unhappily, those recommendations were not acted upon until Lord Lyndhurst, in 1844, attempted to give effect to them. The Bill brought in by that noble and learned Lord proposed to establish a Board of Commissioners with summary judicial powers extending over all charities possessing an income of 100*l.* a year; and the administrative powers proposed to be given to the Board under that measure far exceeded those vested in the Commissioners by the Bill now before the House. The Bill of 1844, however, was not successful in the House of Lords, though proposed in the following year, and again by Lord Lyndhurst in 1846. Here, therefore, was the testimony of that most venerable and consummate judge in favour of provisions applicable to charities, which greatly exceeded in their stringency and extent anything to be found in the Act of 1853 or in the Bill as now proposed. There were repeated attempts to carry out Lord Lyndhurst's measure by Bills introduced into that House, one of which was brought forward by his right hon. Friend the Home Secretary; others in 1850, 1851, and 1852. The subject, therefore, instead of being one which the House of Commons was not prepared to legislate upon, had received, repeatedly, the deliberate attention of the House. In 1853 a Bill was passed which established the present Board, and gave it certain powers and certain authority. That Act had now been a year in operation, and the Commissioners had made a Report detailing their experience during that time. They themselves complained that their administration had not been so satisfactory as they could wish. And why? Because their powers were not sufficient to enable them to exercise a proper control and regulation, and it was on that account that their powers were now sought to be extended. Many of the points touched upon by the hon. and learned Gentleman (Mr. Cairns) were assuredly details for consideration in Committee, but he thought, according to the provisions of the Bill as they stood, that prudent checks had been placed upon the powers to be exercised by the Commissioners, and that the measure was not open to any great objection on that score. It had been said that under the Bill no respectable person would become a trustee. He denied that assertion, for he thought that the Bill was directly calculated to induce the most respectable persons to become trustees, because in a case of emergency they would now know that they were not liable to be dragged into the Court of Chancery, but that there existed a tribunal to which they might resort not only for advice, but to obtain, in a speedy and summary manner, an order sanctioning their proceedings. The Bill would, therefore, be a protection to trustees who desired honestly to administer the funds entrusted to their charge, and it would therefore hold out the greatest inducement to respectable persons to become trustees. The only respect in which it added to the powers conferred by the Act of 1853 was by giving to the Commissioners a judicial authority, and that was not a new principle, because the Act of 1853 established a summary jurisdiction for all charities not exceeding a certain amount. He thought that, with respect to charities, judicial and administrative powers ought always to be combined. The evil of the present system was, that the administrative powers were in the Commissioners, and the judicial powers in the County Court or Bankruptcy Court. If it was right to give summary jurisdiction to the County Court and Bankruptcy Court, it was equally right to give the same authority to the Commissioners, and a mistake was committed by the Act of 1853 in separating the judicial from the administrative authority. The great change that would be effected by the Bill would be the establishment of a tribunal for the more effectual correction of abuses and for conferring larger administrative powers. The measure was founded altogether, in principle, upon the Act of 1853; and, in point of fact, the House would negative the principle of that Act by acceding to the Amendment of the hon. Gentleman (Mr. Knight).

Mr. HENLEY said, he thought that it would have been more instructive if the hon. and learned Gentleman, instead of lecturing the House upon its great waste of time, had endeavoured to enlighten them upon some of those matters to which their attention had been called by the hon. and learned Member for Belfast (Mr. Cairns). If the measure before the House were, as

represented by the hon. and learned Solicitor General, a perfecting of the Act of 1853, he was certain not one in the House would offer it opposition. But in his opinion, it was far from being a supplement to the Act of 1853, as it provided new machinery altogether, and that in the most important provisions. A considerable portion of the first ten clauses of the Bill referred to the Board, and to the powers of the Board. The hon. and learned Solicitor General agreed that portions were open to objection, particularly those which referred to the extensive powers proposed to be given to the Commissioners. He (Mr. Henley) was therefore glad to find they should have the assistance of the hon. and learned Gentleman in remedying those defects. But to come to the most important part of the Bill. It was not unreasonable to argue the Bill with reference to charities of 30*l.*, instead of charities of 10*l.* What they had to consider was, whether the new machinery, dealing with those charities of 30*l.*, was a better or worse machinery than that provided by the Bill of 1853. According to the old machinery, all matters of complaint first went before the Charity Commissioners, next to the County Courts—which were armed with great powers in such cases—and, in the event of the Charity Commissioners not being pleased with the order of the County Courts, they referred the matter back again to those Courts for reconsideration, or else removed it to Chancery, the parties urging the complaint being bound in bond to pay the costs of the Court of Chancery order. Therefore great care was taken to avoid expense. Now, by the new machinery, any person might make an information behind the backs of all concerned, and without any sort of notice whatever. Acting on that information, the Charity Commissioners would have power to make orders; and any trustee, though he might not have received the least intimation of a complaint against him, was liable to find his name posted on the church door or other public place as being dismissed from his trust, the cause of which dismissal he would be quite in ignorance about. That was one of the provisions of the present measure. The hon. and learned Solicitor General asserted there was nothing new in the measure, and that all its provisions were so well known during the last twenty years that the subject was before the House. If such were the case why were not all those important provisions inserted in the Bill of 1853, for surely the Law Officers of the Crown in 1853 were the identical Gentlemen filling the same positions at present? He wished to ask the House what the feelings of Gentlemen acting as trustees were likely to be on finding themselves posted and dismissed? Why, if the hon. and learned Solicitor General taxed his ingenuity to devise a scheme of general annoyance he could not better succeed than by setting up a tribunal which condemned and dismissed men behind their backs and afforded them no opportunity for explanation or defence. The Attorney General's powers were saved. It was possible he might not approve of what the Commissioners had done. Then they went to the Court of Chancery; and the costs of the suit would come out of the funds of the Charity. That he thought was a very odd way of taking care of charities! That portion of the Bill would take a great deal of time to amend in Committee. So as to schoolmasters. If the schoolmaster enjoyed an endowment of 50*l.* a year he was taken care of, but if a trustee subscribed 5*s.* a year in aid of the fund, the jurisdiction of the Commissioners was overruled—so far as he was concerned. But if, unfortunately, a schoolmaster had an endowment under 50*l*,, or no endowment at all, the Commissioners might, without any notice to anybody, turn him out, and assign any reason they chose. That would hardly be very satisfactory. Most trustees would be disposed to destroy the schools rather than to submit to it. But it might be said the Commissioners would not exercise such extreme powers. Then why confer them? Such were some of the objections which applied to the Bill. There might be necessity for increased inspection, but not for an entire change of machinery—a change as likely to be mischievous as it certainly seemed to be capricious. The hon. and learned Solicitor General had urged that judicial and administrative functions should be conjoined. They were so in the County Courts, except that they could not vary the order of the Court of Chancery. The hon. and learned Gentleman had been unusually uncourteous in his tone towards the hon. Member for West Worcestershire (Mr. Knight) and the hon. and learned Member for Belfast (Mr. Cairns); nor, in his (Mr. Henley's) opinion, was his tone calculated to facilitate the passage of the Bill. The clauses of the Bill must receive considerable amendment in the Committee, and he should prefer that the portion referring to the County Courts should be deferred to next Session. The same Law Officers had in the space of two years brought forward entirely distinct and different measures, and had not shown that the measure they had first passed had failed, or how it had failed. Had they shown that it might have been possible to amend the former measure without resorting to a sort of Star Chamber tribunal—to judge before hearing or inquiry. It would be best to improve the present system, and let it work in public, which was the only security. There might be three angels sitting in Lincoln's Inn, but if they sat in private the public would not be satisfied. A great many of the Charity Trustees had been accused of applying the funds to political purposes: and things done in secret would be sure not to escape similar suspicions. What was done in secret conclave would assuredly be suspected. Let, then, that part of the Bill be discarded, and the rest amended. It would be most unsatisfactory if the measure passed in its present form. To have orders passed behind men's backs would be certain to cause them to litigate. That would tend to increase costs. Then let the inspecting powers of the Bill alone be regarded for the present; and let further legislation be postponed until it was ascertained whether those powers would work well. In its present form the measure would tend to swallow up Charities. Let the Commissioners work upon the existing machinery, and improve it, before anything further was attempted. If that course was taken, the rest of the Bill might pass.

The SOLICITOR GENERAL said, he must beg to explain that by the 18th section trustees could not be removed without an opportunity being afforded to object to such a proceeding.

Viscount GALWAY said, he thought if the measure was desirable for small charities, it was equally desirable for large ones. He would urge upon the Government the propriety of acceding to the suggestion of the right hon. Gentleman the Member for Oxfordshire.

Sir WILLIAM HEATHCOTE said, he hoped that some Member of the Government would inform the House whether it was intended to adopt the suggestion which had been made to proceed only with those parts of the Bill for which there was a pressing necessity. With respect to the enlargement of the powers of the Commissioners, that was a matter more open to debate than the hon. and learned Gentleman the Solicitor General appeared to consider.

MR. MALINS said, he should also support the suggestion of the right hon. Member for Oxfordshire (Mr. Henley). The Solicitor General had complained of the inadequate powers of the Act of 1853, but when that Bill came under discussion there was no disinclination on the part of Parliament to grant all the powers which the Government thought were necessary. But even the Commissioners, in their Report, although some of them asked for greater powers, did not say their present powers were insufficient to carry into effect the main objects of the Act of 1853. The power of dismissing offending schoolmasters and schoolmistresses, which the Bill purported to confer, had been already exercised by the Commissioners under the existing Act. It was, however, proposed now for the first time to create new judicial powers. It might be expedient, perhaps, to create those powers; but if such a step was to be taken, it should only be on the most deliberate consideration. It should be remembered that the measure affected no less than 27,000 trusts, and property of a large annual value; it was, almost impossible the discussion could be too protracted; and if four hours had been occupied in debate upon the principle of the Bill, what prospect was there of getting through the fifty-six clauses, with Amendments on more than thirty of them, so as to close Parliament on Saturday? Was the House prepared to erect a new judicial tribunal, in which A would write a letter of complaint against B, the Commissioners would write to B, informing him of the complaint, but not of the party making it, B would send his answer to the Commissioners, and the Commissioners would come to a decision without bringing the parties face to face, or communicating the grounds upon which their decision rested? Such a secret tribunal as that could never give satisfaction, and should never receive his approval. Even with such men as the Lord Chancellor, the Master of the Rolls, and the Vice Chancellor, he preferred having judgment given in public, for when the eyes of the profession and of the public were withdrawn there was danger of the judge being swayed by whims and fancies, which had no effect when the decision was pronounced in open Court. He had made it a rule never to consent to have a case heard in private which could with any propriety be heard in public, and, that being his feeling, he considered the establishment of such a tribunal as the proposed one most objectionable. Undoubtedly there was an appeal, but they should look to the expenses of those appeals. The number of those appeals would be increased by having secret tribunals, and the better way was to have the case properly decided at once, and thus avoid the necessity for those appeals. The Bill came from the Lords on the 26th of June. If it had then been taken into consideration he would have given every assistance to the Government to make it perfect; but that was now impossible. For the delay which had taken place the noble Lord at the head of the Government was responsible, because he had wasted time in persevering with the Tenants' Compensation Bill after the rejection of the 14th clause, and in pressing the Scotch Education Bill, which was abandoned immediately it reached the House of Lords. It was unbecoming for the Government to reproach them with obstruction because within four days of the end of the Session they objected to pass without the fullest discussion a measure of such great importance as the present. He trusted that the noble Lord, and the law advisers of the Crown would not persist in pressing the more objectionable parts of the Bill, but would cut it down to the more pressing enactments, leaving the principles at issue to be dealt with next Session.

THE ATTORNEY GENERAL said, that the Bill was of so much importance, and would be so beneficial to the charities of England and Wales, that he felt unwilling to give up any portion of it until the feeling of the House should be expressed to that effect. The continuance of the third member of the Commission and of the number of inspectors were points absolutely necessary to be passed. With regard to what were called the judicial powers of the Commissioners, if hon. Members opposite were determined to fight that clause it would be necessary to make some concession in order to save such parts of the Bill as were absolutely necessary. The Bill had been submitted to the highest legal authorities, and had obtained the sanction not only of the Lord Chancellor, Lord Lyndhurst, and Lord Brougham, but also of Lord St. Leonards, and he was surprised that practitioners in the Court of Chancery should oppose a Bill supported by such high legal authority. Lord St. Leonards had assented to the 10*l.* jurisdiction of the Commissioners. [Mr. Malins: But that is a very different thing]. But hon. and learned Gentlemen opposite refused him that clause, which he would be willing to take as a compromise. The Bill had been before the House since the 26th of June, and he had been most anxious that it should be taken at the earliest possible period that was permitted by the state of public business. He was in the hands of the House, and if hon. Gentlemen opposite were determined that that particular portion of the Bill should not be carried he must take what he could get.

Mr. WIGRAM said, there were three points which were specially objected to by hon. Gentlemen on his the Opposition side of the House—first, the appointment of local inspectors; next, the twelfth clause, which gave power to the Commissioners to proceed *ex parte;* and thirdly, the power which was given the Board to remove schoolmasters. Upon all those three points he (Mr. Wigram) should feel bound to divide against the Bill.

Viscount PALMERSTON said, he thought it would be more convenient, when they had come to an agreement upon the point of principle, to discuss matters of detail in Committee on the Bill. His right hon. Friend (Mr. Henley) said that the twelfth clause ought not to receive the sanction of Parliament, notwithstanding it had been approved of by the four great legal authorities referred to; and considering the few days remaining for discussion, his hon. and learned Friend (the Attorney General) was willing to give up that portion of the Bill. That assertion of principle having been made, he should hope the House would now agree to go into Committee without further discussing the details.

Mr. BARROW said, he felt serious objections to proceeding with a Bill of such importance in so small a House as they then had, and at a period of the Session when it was impossible to consider it with the attention which it demanded.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill *considered* in Committee.

House resumed; Committee report progress.

CRIME AND OUTRAGE (IRELAND) ACT CONTINUANCE BILL.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the chair."

Mr. BOWYER said, there was nothing in the circumstances of Ireland to justify such a measure, as, by the admission of the right hon. Secretary for Ireland himself, there was neither crime nor outrage in that country. The Irish soldiery were freely shedding their blood in the war in which we were now engaged, and surely it was a small boon to ask that their country should be placed on an equality with the other parts of the Empire. He should move that the Bill be committed that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. I. BUTT said, if the Bill was allowed to expire, they would have no restriction on the people of Ireland acquiring arms. Since the Union there had been only one year in which there had not been an Act to prevent the people acquiring arms. In 1846 an Arms Bill was introduced, containing some objectionable provisions. The argument was urged that Ireland was tranquil, and the Bill was withdrawn. The result was that persons went about selling arms, and the Government could not prevent it, and many disturbances followed. He did not think that that example would justify them in adopting a similar course. As long as tranquillity was preserved, the Bill was a dead letter, and he believed there was no inconvenience attending the Bill. He thought, instead of renewing the Bill, next year Government should bring in a permanent Bill to prevent the people of Ireland arming.

Mr. M'MAHON said, he was glad to hear the real author of the Bill avow himself. If they applied the provisions of the Act to the Orange processions in the north of Ireland it would suppress those processions most effectually. Government had made no case at all for the Bill.

Mr. VINCENT SCULLY said, he hoped Government would yield to the appeal that had been made to them, and withdraw the Bill. There had been excuses made for the Bill on former occasions, but they had made none on the present occasion. But it was not the Bill of the Government at all, but the Bill of the hon. and learned Member for Youghal (Mr. I. Butt) and the hon. Member for Antrim (Mr. Macartney). The Bill had always been presented before in connection with a prospect at least of remedial measures; but there was nothing of that kind in the present instance, and on that ground, if on no other, it ought to be rejected.

Mr. BRADY said, he thought the House had had sufficient proof of late of the serious effects of hasty legislation, having had to retrace its own steps in consequence of the tumult which it excited.

Mr. KENNEDY said, he should support the Amendment, considering that the Bill was inapplicable to the present circumstances of Ireland. Its very preamble set forth a state of things which did not now exist; and he declined to endorse a falsehood.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 39; Noes 15: Majority 24.

Main Question put, and *agreed to*.

Bill *considered* in Committee.

Notice being taken that Forty Members were not present, the Committee was told; and Forty Members not being present, Mr. Speaker resumed the chair; and having counted the House, and Forty Members not being present,

The House was adjourned at a quarter after Three o'clock.

HOUSE OF LORDS,

Tuesday, August 7, 1855.

Minutes.] Public Bills.—1ª Consolidated Fund (Appropriation); Exchequer Bills (£7,000,000); Militia Pay; Public Health (No. 2).

2ª Limited Liability; Ordnance Board; Lunatic Asylums (Ireland) (Advances); Navigation Works (Ireland).

3ª Customs Tariff Acts Amendment and Consolidation; Turnpike Acts Continuance (No. 2); Turkish Loan.

LIMITED LIABILITY BILL.

Lord STANLEY of ALDERLEY moved to resolve—

> "That the Limited Liability Bill having been introduced and passed by the House of Commons in conformity with an unanimous Resolution of that House declaring "that the Law of Partnership which renders every Person who, though not an ostensible Partner, shares the Profits of a Trading Concern liable to the whole of the Debts, is unsatisfactory, and should be so far modified as to permit Persons to contribute to the Capital of such Concerns on Terms of sharing their Profits, without incurring Liability beyond a limited Amount;" and the Progress of the Bill having been delayed by the lengthened Discussions on the Conduct of the War, which prevented it being sent up to this House at an earlier Period, and great Inconvenience being experienced from the Suspension of many Undertakings of great Importance, consequent on the Stoppage of all Charters and Acts of Parliament for giving limited Liability, in the Anticipation of Parliament legislating on the Subject, the Circumstances which render Legislation on the Subject Matter of the said Bill expedient are of such Urgency as to render the immediate Consideration of the same necessary."

The noble Lord said he thought he could show sufficient reasons why their Lordships should assent to the measure. The question had been before the country for more than twenty years; had been the subject of inquiry of several Committees of both Houses, and of a Royal Commission. In 1852 a Commission was issued, whose Report was considered last year, and the House of Commons came to the unanimous Resolution that the present state of the law was unsatisfactory and required immediate alteration. In pursuance of that Resolution this Bill was introduced in the present Session of Parliament, and passed the other House after very trifling and insignificant opposition; or rather there was no opposition to the Bill on its principles, but only some objection to some of its details, and on account of the late period of the Session when it was introduced. To show that the general feeling of the public was in favour of the Bill, he might mention that when a deputation of Gentlemen did him the honour a short time since to wait upon him and express a wish to have the measure postponed, he asked them how, if the Bill were so mischievous, the almost universal opinion of the country, as indicated by the public Press, was in its favour; and they candidly admitted that, with the exception of the *Leeds Mercury*, there was no journal in the kingdom which would admit an article against the principle of limited liability. To show the peculiar urgency of this measure, he need only to state the principle of the existing law:—the principle was, that whoever shared in the profits should bear also the risk of all the losses. The law of unlimited liability was found to be impracticable, if attempted to be enforced in its utmost vigour. If it had been carried out in its full integrity, this country could not have boasted of some of the greatest works ever constructed in any part of the world. The whole of our railways, canals, docks, harbours, piers, and works of that kind, involving an expenditure of 320,000,000*l.*, had been constructed in violation of the principle of unlimited liability, and in accordance with the principle affirmed by this Bill. It had, in fact, been found absolutely indispensable to make exceptions to the law in certain cases; and there were two modes of doing this—either by private Acts or by charters from the Board of Trade. Both these modes were objectionable. With regard to the charters, they were granted by a department presided over by a political Member of the Government, who was changed with every change of the Administration. It might thus happen that one President, who was in favour of the principle of limited liability, would grant these charters with the greatest facility, but his successor, holding opposite views, might throw every difficulty in the way. With regard to private Acts of Parliament, there was a Standing Order of the House which operated as a complete exclusion, except in the case of certain undertakings exempted from its operation. The Board of Trade had lately thought it better not to grant any more of these charters until Parliament had decided the question in one way or the other; it was, therefore, on that account, still more important and more urgent, that this Act should be passed without delay. There was plenty of time to discuss it. There was no other Motion of greater importance pressing upon their attention so as to prevent their Lordships from giving full consideration to the subject, and he knew no period of the Session when more than a day was considered necessary in that House of Parliament for each stage of a Bill. If this Bill had been brought before their Lordships on the 6th of May, instead of the 7th of August, they would not have given it more attention, and there was no reason why any noble Lord should not now attend in his place and express his views upon it. For these reasons he hoped their Lordships would agree to suspend their Resolution, and allow the Bill to proceed.

LORD REDESDALE said, he was sorry that he should again feel it to be his duty to oppose the Resolution moved by the noble Lord; but in doing so he desired particularly to confine his observations upon the subject to the purport of that Resolution, and inquire whether the present was such a case of urgency as to justify their Lordships in reading the Bill a second time. Now, he meant to say that there had been no case of urgency made out which should induce them to suspend the Standing Order. The best method of testing the question of urgency was by referring to the conduct of those who had had charge of the measure. If they had treated it as a case of urgency, by postponing other less important measures, then he granted that they might, with some face, have come before their Lordships and represented that it was a measure which required to be dealt with in the manner now proposed. But, as he could show, the Bill had been so considered by its authors until within a very recent period, and the attempt to force it through Parliament now was, in fact, but a convenient method either of getting rid of the measure with the least possible difficulty, or of obtaining the *eclat* of having done something in a Parliament which otherwise had not been very fruitful in useful legislative measures. Than that he believed there was no other reason for urging forward the measure at the present time. The first argument of the noble Lord was that the Bill had been introduced in conformity with the unanimous Resolution of the House of Commons ; but when was that Resolution arrived at by that House? In the last Session of Parliament, not the present ; and if the Bill were urgent in consequence of a Resolution come to in the preceding Session of Parliament, why was it not introduced at the commencement of this Session ? One would have thought that that was a necessary consequence. Besides, it appeared that a Bill had been prepared by the Government, and was ready so long ago as February last. And what were the subjects for which it had been postponed ? First, there were the English Education Bills, which had not been persevered in. Four times it had been postponed on account of those Bills, and once on the Scotch Education Bill, which, on meeting with opposition in this House, was abandoned by its own promoters. It was not until the 29th of June that the Bill was read a second time in the House of Commons, and it was then read without any opposition. So that if the second reading might have been taken *pro formâ*, he saw no reason whatever for the numerous postponements in that House. It would be remembered that two Bills had been brought in by the Government—the Partnership Bill and the Limited Liability Bill, both of which it was announced were to proceed *pari passu.* Their Lordships had the Limited Liability Bill now before them; but what had been the proceedings of the Government on the subject? The Bill having been read a second time on the 29th of June, the Committee was fixed for the 2nd of July; but on that day the Scotch Education Bill took precedence, and the Bill was postponed till the 9th of July, when the House went into Committee, not on this, but on the Partnership Bill. The fact was that the Bill had been postponed over and over again, but only on one occasion to make way for a subject that might be regarded as more important—the conduct of the war. It was not until the 24th of July—the day before that on which their Lordships, by their Standing Order, had declared they would not give a second reading to a Bill—that the House went into Committee again, and on that day they went into Committee on the Partnership Bill; and the House did not go into Committee on this Bill until the 26th of July. Now, he held that conduct such as this was proof positive that the measure had not been pressed forward as if it were considered by its promoters to be a measure of urgency. Well, it then proceeded, sometimes at the morning sittings, sometimes at the evening sittings, until it reached their Lordships' House on the 3rd of August, and now, on the 7th of August, they were asked to read it a second time, though an entire fortnight had elapsed since the day after which their Lordships' Resolution declared that they would not read a Bill a second time. He might be told that he had taken a very narrow view of the subject; but he believed that the only good to be derived from that Resolution was by strictly adhering to it. The effect of the Resolution was to get forward the public business at an earlier period of the Session; and if they adhered with strictness to their rule he was convinced they would find that their business was expedited in a manner that had never previously been the case. He could only say that the effect it had produced upon the private business of the House was something most remarkable. So long as any relaxation was allowed there had always been a delay in bringing up Bills in time; but the moment the power had been taken out of the hands of the Chairman of Committees the promoters of private Bills were ready to the day. But the object of the Resolution was also that their Lordships might have an opportunity of fairly discussing the measures which were brought before them with such attendance as ought to be present on the consideration of important Bills, and that could not be secured if such measures were permitted to be brought up and read a second time a fortnight after the day on which their Lordships had determined not to give a second reading to Bills. For his (Lord Redesdale's) part, he could not see why this Bill might not be postponed until next Session. He could imagine no injury or loss that would accrue to the mercantile community from the delay. There was surely no difficulty in granting charters to Companies whose cases were urgent, subject to any provisions that might be introduced in any Bill to be hereafter passed for regulating the affairs of such Companies. A provision such as that would render the granting a charter perfectly unobjectionable. The noble Lord (Lord Stanley) said that the Bill could be discussed as well now as if it had come up in May; but the measure was one which required more consideration than almost any other that had come before their Lordships this Session, and it was a perfect mockery to say that on the 7th of August it could receive due consideration from their Lordships. He owned he felt strongly in reference to this matter, and that he regarded it with something akin to personal feeling; for it was he who had induced their Lordships to adopt the Standing Order which the noble Lord now proposed to suspend. When he proposed that Order it was cordially accepted by Her Majesty's Government; and, he believed, and other noble Lords believed, that, so accepted, it would be candidly and honestly adhered to. He knew that it had had a very good effect, and to set it aside on the present occasion would be really degrading to their Lordships' House. So far as his experience went, he had never known a Bill of anything like the importance of this proceeded with at so late a period of the Session, when, on the part of the leading Members of the House, there was such a difference, or rather diffidence, of opinion as to induce them to ask for the postponement of the measure; and that this measure should now be pressed forward in the teeth of their Lordships' Resolution, and he believed great unwillingness and dissent, would, he thought, produce a very unfavourable impression with regard to the proceedings of their Lordships' House. He trusted, then, that they would adhere to the Order which they had deliberately adopted, and which, if carefully maintained, would, he was satisfied, be productive of vast improvement in the manner in which the business of the House was transacted.

Lord LYTTELTON said, he was not opposed to the principle of the Bill, but he was bound to say that, in the opinion of men who were much better able to judge than he was, the details of the Bill were wanting in those safeguards which were deemed to be necessary and essential. If this were so, it was certainly matter worthy of consideration; and to call upon the House now, when there were not more than two days remaining of the Session, to consider these details, did appear to him a most reprehensible proceeding, and one which he was astonished the Government should press upon the House. So far as he was aware this question had never been properly before this House—he had not certainly been afforded an opportunity of expressing any opinion upon the question. But it was said that this was one of the most important measures of the Session. What right had any one to expect any important legislation at all this Session? Was it not a matter of doubt whether any legislation would take place this Session on account of the war? He earnestly hoped that their Lordships would not agree to this Resolution.

Earl GRANVILLE: I do not think, my Lords, notwithstanding what has fallen from my noble Friend the Chairman of Committees, that any case has been made out against the Government, or that any valid objection can be raised to the course they propose to take. My noble Friend said that the Sessional Order would be of no effect if it were set aside on this occasion after having been unanimously adopted by the House and sanctioned by the Government. Now, I beg to remind my noble Friend that when he proposed the Order last Session, the then Prime Minister pointed out some inconveniencies that would arise from adopting arbitrarily a rule of this kind, and observed that it would sometimes have to be relaxed, as it would be impossible for the House to adopt a rule which would altogether prevent them from reading any Bill a second time after a certain day. I think that my noble Friend in the observations he made this evening, departed in some degree from the judicial character which he usually maintains in speaking upon points connected with the business of this House, and that the whole tone of his speech was that of accusation against the Government for not having brought in this Bill at an earlier period, and not having pressed it through Parliament with vigour after it had been brought in. It would be easy for me to answer my noble Friend by a statement of the line which has been taken by the Opposition in the other House with regard to public business; but I will not do so, for this simple reason—supposing, on the one hand, that my noble Friend could make out a case against the Government, and, on the other hand, that I could make out a case against the Opposition, the commission of some fault in the management of business by one of these parties is no reason why your Lordships should reject a Bill which it may be desirable should be passed for effecting a great public good. The only reason for urging your Lordships to adopt this Resolution is the importance—of which there can be no doubt—of the measure to which it relates. My noble Friend asked why we gave precedence to other Bills which we were not able to carry through Parliament? In my opinion, those Bills were of great importance; but we were beaten upon the Scotch Education Bill in this House, and it was impossible for us to carry the other Bill to which he referred. I believe that the decided opinion of a majority of this and of the other House is in favour of this Bill. When my noble Friend talks about debating it in a thin House, I must remind him that there are now about sixty members present, or they have been present in the course of the evening, and that there has not been so large an attendance more than three or four times in the course of the Session. If so strong an objection to the Bill is felt upon the other side, I should like to know how it is that none of the principal leaders of the Opposition are present, with the exception of two noble Lords who were members of the late Cabinet. Their absence does not arise from want of notice, because, although the noble Earl the leader of the Conservative party passed through town the day after the notice was placed on the paper, he did not think it worth while to stay to state his opinion on the subject. Any noble Lords who take an interest in the discussion might have followed the example of a distinguished Member of your Lordships' House (Earl Grey), who has come a distance of between 200 and 300 miles in order to be present at it. After the Resolution of the House of Commons, after the general feeling which has been expressed by the public with regard to this question, and after the impediments which parties have necessarily met with in obtaining charters granting limited liability from the Board of Trade, I say it is very urgent that the trading community should no longer be kept in a state of suspense, which must check a number of useful enterprises. With regard to the observations which were being made yesterday by my noble Friend opposite (the Earl of Hardwicke) when I interrupted him, it appears to me that a time of war is the very time at which you ought to free commerce from restrictions, and, therefore, that the reason he mentioned is an especial reason for pressing on the Bill instead of retarding it. When my noble Friend the President of the Board of Trade said there would be plenty of opportunity for the discussion of the Bill, and that your Lordships hardly ever took more than one day for a single stage, I heard a derisive cheer from a noble Lord near me. I hardly remember a case in which a stage of a Bill has taken more than one day; but, if your Lordships like to discuss this measure at greater length, and to have an adjourned debate on the second reading, or to take two or three days in going through the clauses, I can only say that no opposition to that course will be offered by the Government. I hope, with a view to the public good and to the interests of the trading community, that your Lordships will pass this measure.

Earl GREY: I was greatly astonished when the Government gave notice of their intention to propose the second reading of this Bill this evening, as I was entirely at a loss to conceive upon what possible ground they could ask the House to depart from the Resolution to which we agreed in May last; and my astonishment, far from being diminished, has been much increased by the present discussion. I could not, unless I had actually heard it, have believed that the Government, having been parties to that Resolution, could have asked the House now to depart from it on grounds so palpably inadequate, I can hardly forbear saying, so insulting to the House as those which have been brought forward. For many years it was the constant subject of complaint by your Lordships that Bills were brought up from the other House at a late period of the Session, and then passed hurriedly and without due consideration. My noble Friend the Chairman of Committees, therefore, proposed a Resolution with regard to private legislation, which is now strictly adhered to, and which has been productive of great improvement in the mode of transacting private business. My noble Friend then proposed a Resolution by which the same principle was applied to public business, and the House was unfortunately induced to waive that Resolution last Session in order to pass a measure which, although its operation was limited, is, I think, as heedless a piece of legislation as ever passed through Parliament. The Government have borne testimony to the advantage which has attended the adoption of the Resolution; it was unanimously agreed to by your Lordships, and although it has been waived to allow of the passing of several Bills, some strong and apparent reason has in each case been given for not enforcing it. My Lords, this Bill is one of such a character that, even if there had been no Standing Order like this on your Journals, no noble Lord would, in former times, have ventured to press forward at this period of the Session. What is the object of the measure? It is to introduce an entirely new principle into our commercial legislation, and one which the highest authorities, both in law and in commerce, view with distrust and apprehension. It proposes to depart from the old-established maxim that all the partners are individually liable for the whole of the debts of the concern. My own opinion was formerly decidedly in favour of the change suggested by this measure; but I confess that my views have since been somewhat shaken on the point by the eminent authorities who oppose this Bill, but, more than all, by the line of argument taken and the conduct adopted by its advocates. An attempt has been made, by means of a popular cry, to force rapidly through Parliament, without due deliberation, a measure that demands the most careful consideration. I will, however, assume that the principle of the Bill is as sound as the Government allege, and that its adoption would effect a valuable improvement in our commercial legislation. Even then there would not be the slightest justification for setting aside the Standing Order of this House in this case. Everybody must admit that in legalizing the principle of limited liability the greatest caution is requisite in framing the details of the measure, in order to prevent the door from being opened to practices detrimental to the high mercantile honour and credit of this country. My noble Friend (Earl Granville) says it is unusual to give more than one day for considering a single stage of the measure; but it should be recollected that when an important change, affecting a large portion of the community, is proposed, the general rule of this House is to refer the question to a Select Committee; and, if this Bill should now be read a second time, I shall certainly move that it be sent before such a tribunal. Nothing requires more circumspection and care than a measure introducing such an innovation; and it is absurd to suppose that on the 7th of August, with the announcement that the Session will probably be brought to a close on the 14th inst. at the latest, and in the absence from town of noble and learned Lords whose presence is of great importance, this measure can be duly considered by your Lordships. Of all questions of legislation that require deliberation, a question like this that introduces a new principle into our law, is one that requires most; and if the Bill passes precipitately and in an imperfect shape, you may find, when too late, that great mischief has been done which it will be most difficult hereafter to repair, and that vested interests may have been created which will be found very inconvenient in regard to future legislation. This, therefore, is a measure to which, above all others, the Standing Order most strictly applies. Really the reasons adduced by the noble Lord (Lord Stanley of Alderley) in asking us to assent to this Resolution, can scarcely have been seriously urged by him—they are such a perfect mockery. He says the House of Commons came to a unanimous decision in favour of limited liability; but does that warrant your Lordships in sanctioning this principle without considering the manner in which it should be adopted? Then we are told the Bill was delayed by the discussions elsewhere on the conduct of the war; but that surely is no reason why we should abandon our own Resolution. It would not be decorous for us to assume that blame attaches to the other House in this matter; and, therefore, I will take it for granted that the delay in sending up this measure to us has been unavoidable. Yet, if the Bill comes before us too late to be effectively dealt with, and can only be hurriedly passed at the risk of our making serious mistakes, its discussion may and ought to be deferred till another Session, without offering any just ground of offence to the other branch of the Legislature. It is said, however, that great inconvenience will arise if this Bill is postponed to another year, and that undertakings of great importance and public utility must be suspended, from the stoppage of all charters and Acts of Parliament for giving limited liability. Why, then, are not some of those undertakings mentioned to us? I believe that really useful undertakings have no difficulty under the existing law in finding the needful capital. In fact, the difficulty experienced arises not so much from a want of capital as from the want of good investments for capital. There are, however, bubble Companies and bubble schemes, which no capitalists will take up, and the projectors of which wish to trade, under cover of limited liability, upon the small sums advanced by other people, and thereby to escape from personal risk. The question is, whether we shall delay this Bill for another Session, or break through our recorded Resolution and pass it with the certainty of not being able to give it that attention and consideration which its importance demands? The only consequence of adhering to our Resolution will be to delay the Bill for a few months; but if we consent to pass the Bill we must accept its provisions as we find them, and we must be content to have confidence in the care and deliberation which the other House has bestowed upon them. Have we, then, any evidence that the Bill has received an amount of care and circumspection elsewhere, that may make it safe for your Lordships to trust to them? On the contrary, my noble Friend the Chairman of Committees, in tracing the progress of this Bill through the other House, has shown very clearly that it can only have been very hastily and inadequately considered there. If we pass this Bill in an ill-considered form the evil we may do will be irreparable, but the worst we can do by rejecting it will be to delay it for a few months. I need scarcely point out to your Lordships how cautious we ought to be in meddling with a system under which the commercial character of this country has risen to so high a pitch; and surely recent events in the commercial world should teach us that this of all others is a subject which ought not to be dealt with in a hasty and off-hand manner. My Lords, I feel convinced that, considering all the circumstances of the case, if you consent to suspend this Standing Order and proceed with the Bill you will strike a great blow at the character and position of this House in the country, and at its future usefulness as an independent member of the Legislature. My noble Friend the President of the Council tells us that there is a larger number of your Lordships present than is usual at almost any period of the Session; but, if that be so, it is because Her Majesty's Government have determined to use all their power to force us against our will to pass this measure. Let me warn Her Majesty's Government that though they may thus gain a temporary triumph they will ultimately lose far more than they gain; they will forfeit the confidence of your Lordships, by placing you in so unworthy a position in the face of the country, which justly looks up to this House as a great check on hasty and ill-considered legislation. That your Lordships should continue to exercise that important function is the more necessary because, so far as I am able to judge, there never was a time when business was conducted in the other House in a manner so little calculated to command public respect and confidence. I feel so strongly on this subject, my Lords, that when I saw that Her Majesty's Government had put this Resolution on the paper, I returned to town for the purpose of opposing it, and I sincerely trust that your Lordships will not be prevailed on by Her Majesty's Government to give your consent to so dangerous and uncalled-for a Motion.

THE MARQUESS OF CLANRICARDE said, he should vote for the Resolution of his noble Friend on the very ground on which the noble Earl opposed it—namely, the character of the House of Lords. He thought the greatest blow which the influence and position of the House could sustain would be inflicted upon it if they refused to consider this measure for the reasons alleged by the noble Earl. The noble Earl said that he did not care under what circumstances the Bill had come before them. Was it to be said that because their Lordships had passed a Resolution declaring that no Bill sent from the other House should be read a second time by their Lordships after the 25th July—that on that account a measure of this importance must be rejected without consideration? The attempt on the part of their Lordships to stop legislation and to deal with the business of the country in that arbitrary manner would be totally unjustifiable and intolerable. Nor was that the spirit in which their Lordships had passed the Resolution. What they had, in fact, said by the Resolution was, that they would have *primâ facie* a strong objection to receive Bills after the day named; but they reserved to themselves, both in precept and in practice, the right to consider the circumstances under which each Bill was presented to them, and whether the urgency and importance of each measure were such as to bring it within the terms of the Resolution. What was urgency in a Bill, if it was not its great importance to the interests of the public? When he proposed that a Bill (the Beer Bill) should be introduced last night, it was said that the matter was not of sufficient importance to warrant the suspension of the Standing Order; but now they were told that because the particular Bill before the House was of great importance they must stop it by means of the Resolution. He knew that his noble Friend opposite wanted to pass no Bill at all; but what reason would he give to the public to show them that the 7th of August was a particular day in this year on which the Bill ought not to pass a second reading? The only reason for delay was the personal convenience of noble Lords. If this had been said a month ago it might have been because noble Lords wanted to be in their counties during the assizes, and a month later, the harvest might have been made an excuse; but at the present time the only reason was personal convenience. It had been also said that they were taken unawares; but had they not all read a fortnight ago that the First Lord of the Treasury was prepared to agree that Parliament should sit until September to pass this Bill, which he thought it would not be right for Parliament to rise without adopting? His noble Friend had talked of the influence of Government having been used on the present occasion; but he denied that anything like party or improper influence had been used; and the division would no doubt show noble Lords of different politics voting on the same side. And for what were power and influence placed in the hands of Government, if it were not to protect the interests of the people, where those interests were deeply involved? His noble Friend had rather unfortunately referred to the great honour and high character of the merchants of this country throughout the world; were they to be told that these depended upon a statute which gave to great capitalists a tyrannous monopoly of the most valuable part of trade? He denied that it could be traced to that. His noble Friend had also said that there would be bubble Companies under this law; but even if that were so, what could any man suffer? Perhaps he might lose his hard-earned savings through imprudence in investing them; but was that to be compared to the breach of trust and misappropriation of funds, such as they have recently seen under the present law? At present people looked to a name or to the style of living of a man, without any knowledge of his real means, and fancied that because he spent a great deal, therefore that he had a great deal left behind. There always would be a great number of bubble Companies; but the objection to the present law was that it prevented people who had acquired money by industry, though not sufficient to enable them to set up on their own account, but who had practical knowledge and skill enough to see where capital might be properly laid out, from expending that small capital in a manner which would be of the utmost service to themselves and to their fellow-workmen. Was there any noble Lord who had not known of his own knowledge several useful undertakings which had for a long time failed to be carried out because great capitalists would not undertake them? A comparatively wealthy man could not give his money to forward a scheme, he might not well understand, for he would by doing so be liable to any sort of expenditure that might be incurred, while under the present Bill capital for undertakings calculated to be of benefit to the country would be readily obtained from men of practical science but of small capital. The present law was monstrous, and they themselves had found it to be so, for they repeatedly passed special Acts of Parliament containing exemptions from it, and many Companies had been referred, most unconstitutionally, to the Board of Trade to get charters. That was the step which ought to have been really avoided, and it was indeed wonderful how little mischief had arisen from it. The value in the market of a speculation frequently depended upon whether a charter could be got; and might not people in office give a hint upon that subject? He thought it wonderful that such a facility had not been abused. They might refer to the large railway works formed under the present law; but these had been carried out on plans the most extravagant and wasteful. He quite agreed that their Lordships' Resolution should be brought to bear upon any novel subject suddenly introduced into the House; but was this a thing of that kind? Had not public opinion been gradually led to see that an alteration of the law was absolutely necessary; and why should they say that they ought not at this particular season of the year to pass this short and simple Bill? [*A Laugh.*] Was not this a short Bill? To adopt the suggestion which had been made to refer this Bill to a Select Committee would be a most unwise step, and could lead to no advantage. The question had been discussed for years; there had been Reports of Committees and Commission upon it. [Lord MONTEAGLE: Reports against it.] No doubt there had been adverse reports, but those reports were not final, and high authorities who gave evidence were favourable, and public opinion had been ascertained upon this subject, which so much concerned the development of the capital and resources of the country. Was there not an immense amount of capital in the country ready to be at once employed, but which could not be employed because of the want of a law like that now proposed?—and on that ground he thought that they should pass the Bill. His noble Friend said that there would be an immense amount of speculation if the Bill passed; but that showed that there was an immense amount of capital which it was urgent should be let loose. The Earl of Derby was known to have expressed an opinion the effect of which was that the law should be altered, and that was perhaps the reason of his absence from the House on that occasion. The great mass of the middle classes were in favour of this measure, for they were prevented from using their capital as they would use it, if the law were different. They had seen what had been done in France when a loan was asked for, and the capital which was held in hand in this country was as great, or perhaps greater than it was in France. There was an immense amount of capital in this country which could not be employed, because under our existing laws it could not be accumulated and put together. He thought that if ever there was any Bill which called for earnest and immediate legislation, it was such a Bill as that before them, and he trusted that their Lordships would proceed to its immediate consideration. Let them sit if they liked until September, but let them not throw over the question through any pedantic formality of consistency, or from adhering arbitrarily to a Resolution intended only for the general guidance of Parliament.

LORD ST. LEONARDS said, the noble Marquess talked of sitting until September, and probably was not aware that the Government intended that their Lordships should not sit beyond Saturday next. If they were not to sit beyond Saturday, what time was there properly to consider the Bill?

EARL GRANVILLE observed, that he had already stated that he should interpose no obstacle to their Lordships sitting to consider the Bill.

LORD ST. LEONARDS said, it was generally understood that they were not to sit after Saturday, and until that was expressly denied he should believe it.

EARL GRANVILLE expressly repeated that the conclusion of their sittings depended entirely upon the state of public business.

LORD ST. LEONARDS said, then if the Resolution now moved was carried and the Bill was to be read a second time, he should propose that a period of a week or ten days should be allowed to elapse, in order that their Lordships might be enabled to make themselves acquainted with the Bill. Any one regarding the House and noticing the thin attendance of Peers on that (the Opposition) side of the House, would imagine that the subject under discussion was of very inferior importance, and one in which that side of the House took no interest. But this was a question of the greatest social importance, and one which the House should have a full opportunity of considering; and it ought not to come to a hasty and premature conclusion, simply because the friends of the Government had mustered in force to pass the Bill without discussion. When they were told that the subject had been for twenty years under discussion, it should be remembered that there had never been any discussion upon it in that House; and he contended that it was unfair to take advantage of the absence of noble Lords on that side of the House, who had been led to believe that the Bill could not be passed in the present Session. Should the Resolution of the House be suspended on the present occasion, he should consider it a mere trap for future occasions when it was intended to pass measures without due notice. No one could doubt that the noble Earl the leader on that side of the House (Earl of Derby) would have been present if he had imagined that such a great question would be really dealt with at this period of the Session. Then, with regard to the Bill itself, what was it? It was originally proposed that Companies to be established under the Bill should have a capital of not less than 20,000*l.*, which should be composed of shares of not less nominal amount than 25*l.* each, upon which at least 20 per cent should be paid up. That restriction proved that sensible men who approved the principle, still thought it necessary to interpose some checks. The Government then proposed to reduce the nominal capital to 10,000*l.*, but ultimately the restriction as to the amount of capital was wholly omitted. The shares were cut down to 10*l.*, of which 20 per cent was to be paid up, so that under this Bill, which was said to be perfect, 10,000 Companies could be started with no more capital than 250*l.* or 300*l.* each. The noble Marquess seemed to think every one ought to understand this subject; but he himself had not shown that he really comprehended it, for he talked of the railway mania exhibiting the want of a measure of this sort, when in truth the measure had not the slightest operation upon railways.

THE MARQUESS OF CLANRICARDE explained that, he said the railway mania showed there was no security from the present law against the dangers apprehended from passing this Bill.

LORD ST. LEONARDS said, the railway mania had no more to do with limited liability than with the moon. The railway mania arose from an immense amount of capital being entrusted to people who wasted the greater portion of it in opposing each other, and in litigation. To return to the real question, the law of this country was not opposed to the principle of limited liability, for any person or Company in their dealings might limit the amount of their liabilities, provided only that it was held out to the public that they were only liable to that limited amount. All our charters were charters of limited liability. But at the same time the persons seeking this privilege of limited liability were compelled, and wisely so, to submit to numerous regulations and restrictions, and in the charters granted by the Board of Trade it was the special duty of the Lord Chancellor, a duty which he, when in office, faithfully discharged, to examine them carefully for the purpose of seeing that their provisions did not go beyond the proper limit. Every care was taken in such cases to provide proper fences and safeguards, but no fence whatever was provided by this Bill, nor was the slightest security afforded by it against the formation and establishment of bubble Companies of the worst possible description. It was fashionable to say they ought to let people make their own bargains, but if they removed the guards against abuse, they would be applying a law between party and party, which did not and ought not to exist without serious restrictions. He was not opposed to limited liability, though he was wholly opposed to limited liability without proper securities and safe-guards. The question they were called upon to decide was simply whether, if there were no Standing Order of this sort before their Lordships, they would at this period of the Session enter upon a discussion of a measure of so much importance, or whether, this Standing Order being in existence, their Lordships would feel disposed to rescind it in order to afford opportunity for an incomplete discussion of the Bill. In his opinion the Resolution of their Lordships not to receive any Bill after a certain date ought not to stand in the way of any measure which was of an urgent character, but he denied that the present Bill was one of urgency. He had shown every disposition to assist Her Majesty's Government, and he would not for a moment obstruct any measure which he believed to be really urgent and necessary, and to which the attention of the noble Lords on his side of the House had been called. But he could not believe that it was a matter of indifference whether that side of the House was or was not represented on such an important occasion as the present, and he asserted that his noble Friends were fully justified in withdrawing their attendance when they knew exactly the state of the business in the House, that there was nothing calling for their attention, and that the minority were secured against a tyrant majority by the Resolution that the House would not read any Bill a second time after a particular day, which day had expired before they left town. If Her Majesty's Government persisted in forcing this measure through the House without giving any opportunity of duly considering it, they would lose that consideration and respect which he had hitherto entertained for them. It appeared numbers and not opinions would carry this important question. He did not mean to say that noble Lords opposite were incapable of forming opinions, but he said they had no right to form any opinion on this measure without its being discussed. Lord Overstone, who had declared a strong opinion against the principle of the Bill, was inaccessible. Other noble Lords, whose opinions on the question would be respected, were also absent. He should vote against rescinding the Resolution ; he should vote against the second reading ; he should support the noble Earl in his proposal to refer the Bill to a Select Committee ; and he should give the Bill every possible opposition, not because he disapproved the principle, but because he disapproved the conduct of Her Majesty's Government on this occasion. As the Bill stood, a more mischievous measure was never framed. If it passed a vast number of small Companies would start up, which by their failure would spread constant alarm and mischief among the mercantile community. A flaming prospectus would be issued, promising a large amount of interest, and domestic servants, artisans, and small tradesmen, hoping to gain large profits, would, instead of taking their money to the savings-banks, invest their savings in 10*l.* shares in these undertakings, with 2*l.* paid up and the promise of limited liability. When the money had once got into the hands of the Company it would be difficult to get it back again. This country had long flourished under the very laws which their Lordships were now asked to alter. There was no reason why they should not improve those laws, but there was every reason why they should not alter them hastily. Noble Lords opposite might obtain their own sanction to this Bill, but they would not obtain the sanction of that House. They might even carry the Bill, but it would not be with the sanction of their Lordships' House. If the Government wished to retain the respect of the public for that House, they would not attempt to pass a Bill requiring so much deliberation at a period when it was impossible to give it. Look at the manner in which the other House treated their Lordships' Bills. They were refusing, day after day, to consider measures that had been most fully considered by their Lordships, because they arrived too late to be properly considered. But the other House sent their Lordships up a Bill of a thousand times greater importance at the last hour, and he, for one, refused to agree to such a measure when it arrived at too late a period for deliberation.

THE LORD CHANCELLOR said, there was one expression in the speech of his noble and learned Friend which he could not accept. His noble and learned Friend said it was incumbent upon him to oppose the second reading of the Bill in every possible way, that he would support a Motion for referring the Bill to a Select Committee, and that he would dispute every clause of the Bill from beginning to end. That was a perfectly legitimate course. But his noble and learned Friend had said that he should resist the attempt to rescind this Resolution. Now, no one asked his noble and learned Friend to rescind the Resolution, or to do anything that it did not warrant. It would indeed be the most unconstitutional Resolution that ever passed, if, when a measure of urgency came up to their Lordships, they were prevented by this Resolution from considering it. But, in truth, nothing was required by the Resolution now before the House more than was provided for in the Standing Order itself, namely, that of allowing Bills of urgency to pass; and the question was—not the propriety of rescinding the Resolution, but whether this Bill was one which came within its meaning as a Bill of urgency. He believed that, unless their Lordships took a most liberal view of the question of urgency, they would strike a very dangerous blow at the constitution, and encourage the opinion which some theorists expressed, that their Lordships were mere obstacles to improvement. There could be no doubt that this was a measure of urgency. It was said that a great deal of speculation was already on foot; but was not it desirable to strike a mortal blow at it, and, instead of postponing the matter to next Session, to settle it at once? He believed there would be no such abuse of the proposed law as his noble and learned Friend anticipated. The question was not so much whether there was to be limited liability or not, as whether we were to have one Government after another, and one President of the Board of Trade after another putting different interpretations upon the circumstances under which it was desirable to grant charters. He hoped their Lordships would not leave the public in a state of uncertainty with regard to this measure, but would decide whether it should or should not be passed. On the grounds he had stated, without going into the merits of the Bill, he thought that a sufficient case of urgency had been made out to justify the suspension of the standing order.

LORD MONTEAGLE thought it would be in every respect better for the preservation of the regularity of the proceedings of their Lordships for securing the respect and confidence of the public, and perform the duties and obligations which the Government owed to Parliament, if they were invited to repeal the Standing Order altogether than to be called on to suspend it upon an occasion like the present. He was not unprepared to consider the question on a fitting occasion. He was ready to consider the question of limited liability when it came before him at a proper time; but the arguments he had heard in favour of the Motion before the House did not apply so much to the urgency of the measure, as to its importance—two very different points. It was the former and not the latter consideration that could justify them in suspending their Resolution. That urgency had not been shown—what was the House called on to consider? Three separate editions of the Bill had been submitted to the House of Commons, and the Government must be prepared, if they intended to proceed with the present measure, to have their own original propositions moved as Amendments, and they would be compelled to adopt their original recommendations or to justify the change; for the great danger which, in his opinion, might result from the passing of the Bill, should be sufficient to make the House cautious in giving assent to it. He feared that if it was carried in its present shape, without the limitations and restraints originally very wisely introduced, would be the establishment of a number of commercial "little goes" and bubble Companies, which would have the most injurious effect upon the country. It had been the fashion to say that it was only the interested large capitalists who were opposed to the Bill. A more vulgar and unfounded accusation could not have been made, or one which betrayed greater ignorance of economical science, than that the capitalists were opposed to the industry of the country. Those interests could never be antagonistic. They were, on the contrary, identical. Capital could not be profitable but through labour, nor labour productive but by the aid of capital. It was not surprising that this cry had made its way among the most prejudiced of the least improved classes, but he had been shocked and surprised to hear it repeated by any leading Member of the Legislature. What could capital do without industry? It was through industry alone that capital could be made productive, and when left free from interference and from artificial facilities, capital was sure to be employed in the most profitable manner. But the Resolution of his noble Friend (Lord Redesdale) was, it appears, attacked as unconstitutional. It was said that it would not be endured that one branch of the Legislature should resolve that after a given day they would not entertain legislative measures. But their Lordships had not adopted this rule for their own convenience, but because without it their legislative functions could not be performed either creditably to themselves or usefully to the community. The sole object of the Standing Order was to provide due and sufficient time for the discussion and consideration of matters of importance, and the House of Commons had itself acted on the same principle in regard to proceedings for the punishment of those of its own Members who had intruded themselves into Parliament by improper means; yet, surely there was nothing now at stake more sacred than the freedom of election. This Bill had occupied the House of Commons from May to August, and now their Lordships were asked to waive their rule, on the ground of urgency, in favour of a measure that ought to have been introduced in 1854. Moreover, this measure had been three times revised and reprinted, and in its present shape it was not the Bill that the Government introduced on their own responsibility, but differed from it in most essential particulars. Therefore, by adhering to their Standing Order, by asking more time for deliberation, by acting with the same caution evinced by the House of Commons, their Lordships would justify the public confidence reposed in them as a calm deliberative assembly, who would not allow themselves by passion or claptrap to be betrayed into a sanction of precipitate changes in a commercial system, which afforded a glorious example to the world, and a striking contrast to the legislation of other countries where a different code prevailed. On these grounds he must resist the suspension of the Standing Order, although he was ready to consider the question of limited liability whenever there was time afforded for dealing with it in a wise, cautious, and beneficial manner.

On Question, their Lordships *divided:*—Content 38; Not Content 14: Majority 24.

Resolved in the *Affirmative.*

List of the NOT CONTENT.

MARQUESS.
Bath

EARLS.
Fitzwilliam
Harrington
Grey

VISCOUNTS.
Beauchamp
Middleton
St.Vincent
Hawarden

BARONS.
Lyttelton
Calthorp
Wynford
St. Leonards
Monteagle
Redesdale

PROTEST

Against the Resolution by which the Government forced the LIMITED LIABILITY BILL through the HOUSE OF LORDS *as* "urgent" *in the last week of the Session.*

DISSENTIENT—1. Because the importance of a measure is no proof of its immediate urgency, and while the long existence of the law, which the Limited Liability Bill is to alter fundamentally, and under which the trade and commerce of the country have grown and prospered, proves the importance of this Bill, and its claim to the careful and deliberate consideration of this House, it altogether negatives the plea of any urgent necessity existing for immediate legislation on the subject-matter thereof.

2. Because this House resolved on the 4th of May last not to read any Bill a second time after the 24th of July, unless the subject-matter thereof was of recent occurrence or urgency, and many Peers have left London under the impression that no further business of importance was to be brought forward in the present Session.

3. Because the Consolidated Fund (Appropriation) Bill stands for second reading on Thursday next, and the speedy prorogation of Parliament is thereby announced, and the Lord President of the Council having this day declined to say whether it might not take place, as generally expected, on Saturday next (which the advanced state of the said Bill renders possible), it is derogatory to the character of the House, and contrary to the spirit of its Standing Orders and all precedent, that it should proceed with a Bill of such importance, under such circumstances, in opposition to the wishes and request of several Peers who are in the habit of taking an active part in the proceedings of the House, and who have declared that they have not had time for a due consideration of the said Bill, and for the preparation of Amendments thereto.

REDESDALE.
HAWARDEN.
LYTTELTON.
GREY.
ST. VINCENT.
ST. LEONARDS.
MONTEAGLE OF BRANDON.
BATH.
WYNFORD.

Then the Order of the Day for the Second Reading was read.

LORD STANLEY OF ALDERLEY then moved that the Bill be read a second time. He had always been of opinion that the present state of the law required amendment amongst other reasons, because it tended to drive British capital into other countries where similar obstacles to its employment did not exist. An illustration of this came under his own observation shortly after he went to the Board of Trade. An application was made to that Board by a large Steam Navigation Company which wished to obtain limited liability for the establishment of a communication between this country and Canada. This application was resisted with great obstinacy by the directors of Cunard's line and other existing Companies, and the result was that a charter was refused to the parties. This case convinced him of the very objectionable state of the law of partnership, which left the granting or withholding of charters entirely to a department of the Government that was liable to be influenced, or to be suspected of being influenced, by the representations of persons already in the trade, and who were naturally opposed to competition. Ultimately the Company to which he referred went to Canada, where these restrictions did not exist, and obtained a charter there. Another great objection to the present state of the law was, that it prevented small capitalists associating together and enjoying those advantages which were derived from the employment of a large capital. There was another object to be gained which he thought was of even more importance than this: at present the feeling existed among the operatives, and less wealthy classes of the community, that the law was made for the rich by the rich; he wished them to feel that the law was made by the rich for the poor as well as for the rich. He was not one of those who expected that any very great advantage would be gained by the association together of a number of operatives to carry on industrial establishments; for he thought that mercantile operations would be more successfully carried on by one or a few individuals, or by small partnerships, than they could possibly be by a large number of men who must delegate the management to a single individual or to a few persons; but it was only fair that the opportunity should be afforded to the smaller capitalists, and that they should not be deprived by the state of the law from whatever benefits were to be derived from combination and association in the employment of capital. Another reason why he thought it extremely desirable to introduce the principle of limited liability was, that the present state of the law prevented careful and prudent men from joining in these undertakings, and that, consequently, large trading Companies were now frequently formed by the rash and reckless. The next question was—how could they best effect an alteration of the present law without giving rise to greater evils? And it struck him that the law, as described by the noble and learned Lord, presented a mode of doing it. The noble and learned Lord said that the law as it at present existed prevented no person from having limited liability, because any person or Company might secure limited liability by making a special contract with each individual with whom they had any concern. That was perfectly true, and was carried into effect with regard to Insurance Companies, but was perfectly impracticable in the multifarious transactions of commerce. By the present Bill he proposed to give life to that principle, taking care that each individual who dealt with these Companies should have full knowledge of the condition and circumstances of the Company which seemed to be the true and sound principle upon which all commercial transactions should depend. For this purpose the greatest publicity would be given to the conditions on which the Company carried on its transactions. It was provided, not only that the Companies so carrying on business should have "limited liability" conspicuously painted on their premises, but that those words should be at the head of all their papers, their bills, and the instruments by which they carried on their business. No restrictions would be imposed on these Companies beyond those now imposed on Joint-stock Companies. He thought there was no principle more true than that a person dealing with another person had no right to complain if the conditions were fulfilled on which he gave him credit. It was said that this alteration was not necessary; that this was a country where there was a superabundance of capital; that limited liability might be desirable in America and other countries where there was a small amount of capital, but was not necessary here. To a certain extent that was true; there was a large amount of capital in the hands of rich men in this country:—but what was wanted was that the poor man might be able to turn his small capital to account without running the risk of losing all he had. It was said that limited liability would encourage wild speculation; but unlimited liability in 1825 did not prevent schemes being propounded, involving capital to the amount of 160,000,000*l.*, many of which schemes were of the most wild and extravagant nature. Another objection to the measure was that it would be injurious to persons at present carrying on business. If there was any reason in that objection, it was that these new Companies would carry on business on more favourable terms to the public, and thereby get a great portion of the trade. That he thought was rather an argument in favour of the Bill, as the public would obtain the benefit of the alteration in the law. Then, if it was desirable to make this alteration, no time could be more favourable than the present, for in a time of war people were not disposed to speculate readily in wild schemes, though at the same time they were desirous of employing their money profitably. He was satisfied that the apprehensions expressed in respect to the operation of the Bill were in a great degree merely conjectural and were entertained principally by that class of persons who had a superstitious dread of altering a state of things under which alone they fancied the country could be prosperous. The amount of capital provided by the Bill as originally introduced to be subscribed by the Company had been altered by the House of Commons, who by a large majority decided that there should be no certain amount of capital subscribed, but that the deed of settlement must be executed by shareholders, not less than twenty-five in number, holding shares to the amount, in the aggregate of at least three-fourths of the nominal capital of the Company; and there should have been paid up by each of such shareholders, on account of his shares, not less than 20 per cent, and that the shares should not be of less value than 10*l.*; and that in complying with these conditions, and the others prescribed in the Bill, any Company should obtain registration. The other portions of the Bill were for the purpose of enabling Companies already in existence to come under the operation of the Bill. These were the principal provisions of the Bill. He would not go into the details, but after the second reading he trusted that they would give every consideration to its various provisions.

Moved that the Bill be now read 2^a.

EARL GREY said, that as far as he was informed on the Bill, his leanings were in favour of its principle, and the objection he had urged referred simply to their Lordships discussing at this time, and in the present state of the House, a great change in our commercial law, to which there was no opportunity at present of giving anything like due care and deliberation. He deeply regretted that their Lordships had come to a different determination on that point; for although he admitted the importance of the measure he could not admit that its urgency was such that it would not admit of being postponed for six months with the view of giving it full consideration. By the course they had taken their Lordships ran all the risks of hasty and dangerous legislation. He was not opposed to the principle of the Bill, and therefore should not vote against the second reading. When the House went into Committee he should endeavour to render the Bill as safe as possible; and he trusted Her Majesty's Government, having induced this House to waive their recorded resolution upon the express promise that this Bill should, even at this late period of the Session, be duly and fairly considered, would not endeavour in the further stages of the measure to prevent its receiving the fair consideration which it deserved.

LORD REDESDALE said that he, like the noble Earl, was rather favourable than otherwise to the principle of the Bill; but there were many points with respect to which he felt much difficulty. Among other things he thought there ought to be some margin, beyond the amount of the shares, up to which a Company should be liable to pay in case of bankruptcy. He would be very ready to give any assistance in his power in order to improve the Bill, for the full and fair consideration of which time ought to be allowed. Some remarks had been made respecting the Standing Order which had been suspended, and which was said to be unconstitutional. He, however, thought it was a useful rule, as it was well known that after a certain time a determined opposition could prevent the passage of a measure through the other House, while in their Lordships' House it was quite the contrary, the minority being completely at the mercy of the majority. However, if the interpretation which had been placed upon the Standing Order was to be maintained—that the importance of a measure proved its urgency, he doubted whether he should propose the renewal of the Standing Order in a future Session. He must repeat that he considered the present a most unfit period at which to dispose of so important a subject, for, if any Amendments were made when the Bill went back to the other House, it would be impossible for these Amendments to be properly considered. That such a measure should be forced on the House, without an opportunity of full consideration, was, he conceived, a matter very much to be lamented.

LORD WYNFORD thought the Bill was imperfect, in not providing for the case of a Company which exceeded its capital. The management of Companies was intrusted to a few persons, and if those persons abused their trust, there did exist at present means of punishing them; but under the proposed law no such means would exist.

LORD DENMAN said, persons who were inclined to commit frauds of the kind alluded to might be certain that some criminal law would be passed to meet their cases if necessary. He thought it desirable that all objections to the measure should be fully stated, as he believed they could all be answered, or at least obviated by Amendments.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

ORDNANCE BOARD BILL.

LORD PANMURE *moved* to resolve—

"That as regards the Ordnance Board Bill, inasmuch as divers Lands, Hereditaments and Estates, are now vested in the Principal Officers of Her Majesty's Ordnance under various Acts of Parliament, and as on the Appointment of a Fourth Secretary of State Her Majesty thought proper to revoke the Letters Patent of some of those Officers and transfer to such Secretary of State the Administration of the Department, the Duties of which were executed by the said Officers, it is desirable for the better Administration of the same that the said Lands, Hereditaments and Estates, and the Powers and Authorities in relation to the same, should be similarly transferred; and as such Transfer cannot be made without the Authority of Parliament, the Circumstances which render Legislation on the Subject Matter of the said Bill expedient are of such Urgency as to render the immediate Consideration of the same necessary."

Lord Redesdale

EARL GREY remarked, that the Government had not fulfilled a promise made some months since—that they would lay upon the table a statement of the future division of business between the different departments.

LORD PANMURE said, the Government had so far redeemed its promise as to lay before the House, on the 23rd of June past, the Orders in Council whereby the present establishments were constituted. This Bill had really nothing to do with the constitution of those offices, but he assured his noble Friend that the arrangements which had been made worked well for the public service. The administration of everything connected with the Ordnance Department had been simplified, even during the short time the new arrangements had existed, but it would take weeks and months to bring those arrangements into a fair state of working. After a few months the changes would be perfected, and he believed his noble Friend himself would then admit a most useful reform had been effected.

EARL GREY said, he had been misinformed as to the delivery of the papers, and therefore his complaint fell to the ground.

Resolution *agreed to.*

Bill read 2^a (according to Order); Committee *negatived;* and Bill to be read 3^a on *Thursday* next.

LUNATIC ASYLUMS (IRELAND) ADVANCES BILL. NAVIGATION WORKS (IRELAND) BILL.

Moved to resolve—

"That as the Lunatic Asylums (Ireland) Advances Bill and the Navigation Works (Ireland) Bill relate almost exclusively to the Repayment or Application of Monies granted by Parliament, and so far as such Provisions are concerned may be read a Second Time as Bills of Aid or Supply, and as no Objection has been raised to any of the other Provisions of the said Bills, it is expedient that the same be allowed to proceed if the House shall think fit so to order."

Agreed to; Bill read 2^a (according to Order) and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, August 7, 1855.

MINUTES.] PUBLIC BILLS.—2° Public Health (No. 2).

3° Exchequer Bills (£7,000,000); Consolidated Fund (Appropriation); Militia Pay.

EXCHEQUER-BILLS (£7,000,000) BILL.

Order for Third Reading, read.

Sir HENRY WILLOUGHBY said, the Bill was one of those which had passed the House very quietly, having only been delivered to Members the day preceding, when it was also read a second time, though it proposed to add 7,000,000*l.* to the unfunded debt of this country. He (Sir H. Willoughby) was opposed to such a course, as well as to the Bill, for which he saw no necessity, and he hoped, therefore, the right hon. Gentleman the Chancellor of the Exchequer would explain its object and causes. The unfunded debt of the country now stood higher than it did at any period since the last war, with the exception of the years from 1812 to 1820, when it was 56,000,000*l.*, which in 1829 was reduced to 24,000,000*l.* But in that time the state of the country was very different from what it was at present, for cash payments had been suspended, and the state of things which then existed had always been considered to be a blot upon our system of finance. The creation of a great mass of unfunded debt was only a postponement of the funded debt; and the funding would probably be attended with great disadvantages in consequence. In the last two years the unfunded debt had been nearly doubled. In 1853 it stood at 17,000,000*l.*; in 1854 it stood at 23,000,000*l.*; and now it was somewhere about 30,000,000*l.*, or would be at the end of the financial year. The unfunded debt, thus added to the national burden, also was of a different character from the former unfunded debt, inasmuch as it consisted partly of Exchequer bonds redeemable at the rate of 2,000,000*l.* a year every successive year after two years—namely, 1857, 1858, 1859. The income of the country up to that period was, therefore, forestalled. That was his (Sir H. Willoughby's) objection to the scheme of the right hon. Member for the University of Oxford (Mr. Gladstone) when he introduced this system of finance, and he had foretold that it would give rise to considerable embarrassment to introduce a plan of repayment every two years. At the end of this year, therefore, the unfunded debt would stand at 30,000,000*l.*, with the inconvenience of being composed in part of Exchequer bonds, which could only lead to great disadvantage in future. He did not believe that there was any absolute necessity for the full amount of 7,000,000*l.* proposed to be taken by the present Bill. The House had granted supply in the most handsome and liberal manner; it had voted in one shape or in another 92,000,000*l.* of supply—critically 91,500,000*l.*—but he (Sir H. Willoughby) would take it at 91,000,000*l.* That Vote consisted of three items—namely, 69,000,000*l.* raised by taxes, 16,000,000*l.* taken as loan, and the present addition to the unfunded debt of 7,000,000*l.* He would say 69,000,000*l.* of taxes, because last year 59,500,000*l.* had been brought to account by the right hon. Member for the University of Oxford; but 5,200,000*l.* were stated to be outstanding—making in all 64,750,000*l.* The right hon. Gentleman opposite proposed to increase the taxes 5,250,000*l.*, 1,000,000*l.* of which was not to be levied this year; this brought the sum absolutely levied and raised up to between 68,000,000*l.* and 69,000,000*l.*; add to this the 7,000,000*l.* of Exchequer bills, and the loan of 16,000,000*l.*, and it would give a sum of 91,500,000*l.* Looking at all the papers before the House on the subject, however, he (Sir H. Willoughby) could not find the expenditure in either No. 1 or No. 2 Estimates to be more in the aggregate than 88,500,000*l.* Taking the expenses of the debt and the charges on the Consolidated Fund at 29,500,000*l.*, and the civil service at the enormous sum of 6,500,000*l.*; and the packet service at 730,000*l.*, and the two war estimates at 49,750,000*l.*, it gave an expenditure of 88,500,000*l.* The Estimate (No. 1) were about 81,750,000*l.*, leaving a margin of 4,440,000*l.* or, say 4,500,000. The Estimates (No. 2) were 6,125,440*l.*, which added to the first Estimates made a total of 88,000,000*l.* or rather more. These second Estimates, deducting the 4,440,000*l.*—or rather 4,240,000*l.*, for 200,000*l.* had been lost in the skirmish about bankers' cheques—and there would be a deficiency of about 1,900,000. For this deficiency it was not necessary to raise Exchequer bills or bonds to the extent of 4,000,000*l.* Did the House know exactly what it was about in the matter? So extraordinary were the calculations of the right hon. Gentleman, that he (Sir H. Willoughby) greatly doubted if it did. All wars were doubtless expensive; but taking into consideration the enormous amount of supply, and the enormous estimates, he was bound to say that it did not meet the whole case; 49,722,000 was the most formidable supply ever granted, even in the wars with France. No doubt the Government then resorted extensively to the system of loaning, but yet that sum, he believed, was not the whole that was granted. He understood the right hon. Gentleman to say, that 1,750,000*l.* Ways and Means bills had been issued before the loan had been made, and that these absorbed the assumed surplus. But supposing that to be the case, why were not these bills, which formed a part of the current expenditure, paid for out of the proceeds of the loan? Was the House to understand that the expenditure of the country required the loan and the Ways and Means bills also? Nothing was more reasonable than to raise money for current expenses by Ways and Means bills; but was it also right to pay them out of a loan? Were these bills, he would therefore ask, to remain outstanding, or were they to be paid out of the loan? If they were not, it gave another character to the question. The system of Exchequer bonds led to an involved system of finance. He (Sir H. Willoughby) was, therefore, opposed to them. In conclusion, he would ask the right hon. Gentleman if he had drawn any stock from the savings-banks fund, and if it was his intention to resort to such a mode of raising money? He should be glad to learn what was the actual estimate of the Ways and Means, and the expenditure for the year ending March 31, 1856, and whether any real necessity existed for an increase of 7,000,000*l.* to the unfunded debt of the country. An increase of that debt, especially at the present moment, was to be viewed with jealousy by the House.

THE CHANCELLOR OF THE EXCHEQUER: With regard to the question of the hon. Baronet, as to the increase of the unfunded debt, I would merely refer him to the facts which I mentioned on a former occasion, and which showed that the amount at which the unfunded debt would stand, even if increased to the full extent which is proposed by this Bill, would not be so very considerable when compared with the amount at which it stood not only during the late war, but for a considerable period after the termination of that war. No doubt a sum of 17,000,000*l.* of Exchequer bills, and the sum of 6,000,000*l.* of Exchequer bonds, together with the further sum of 7,000,000*l.* of Exchequer bills which it is proposed to raise by this measure, will produce a sum of 30,000,000*l.* sterling. That, I admit, is a large sum to constitute an unfunded debt. It is larger than any person would wish it to stand at, if there were any option; but it is not a larger amount than that at which it stood, not only during, but since the termination of the late war. There is one point to which I would particularly call the attention of the House, and that is, that the interest on the last issue of Exchequer bills was only 2*d.* *per diem*, whereas during the last war the interest, instead of being 2*d.*, was 3*d.* *per diem*. There is another matter which the House ought also to bear in mind—which is, that during the late war there was a considerable amount of Government bills in circulation, issued by various departments and under various names—such, for instance, as Ordnance bills, Navy bills, and so on; but which, practically, were all a part of the unfunded debt in circulation. No such bills exist now. The whole unfunded debt consists either of Exchequer bills or of Exchequer bonds. With regard to another part of the speech of the hon. Baronet, I own it would give me great satisfaction if he were right, and could prove that my calculations were wrong, as the effect would be to show that the nation is two or three millions richer than I believe it to be. The hon. Baronet says, that the amount to be raised by taxation in the present year is 68,500,000*l.*, whereas I stated in my budget that the amount raised last year was only 63,000,000*l.* Now, what I did state was this—that the revenue derived from taxes last year amounted to 63,339,000*l.*; and retaining that amount of revenue for this year, I added to it 4,000,000*l.* of new taxes to be received in the present year, making the total amount of taxes 67,339,000*l.* Then there was the loan of 16,000,000*l.*; and I also estimated the prospective power of issuing Exchequer bills to the extent of 3,000,000*l.* sterling, thus making altogether a sum of 86,339,000*l.* That was the amount of revenue which I calculated for the current year in the month of April last. Since then, I have proposed to add a further amount of 4,000,000*l.* of Exchequer bills, thereby producing a sum of 90,339,000*l.* That is the sum (including the addition made on Friday last) which I estimated to be the amount of revenue for the present year. The hon. Baronet has stated the amount to be 91,500,000*l.* The difference in amount between us is not great, and I am not able to understand how it is that he considers that there is any real difference in his mode of calculation and that which I submitted to the House. From the sum of 86,339,000*l.*, which I estimated to be the amount of revenue in April last, I have since deducted 200,000*l.*, being the amount I thought likely to be produced by a stamp on bankers' cheques, but which I have since abandoned. The real amount, therefore, will be 86,139,000*l.* The expenditure was estimated at 81,899,000*l.*, which left, as the hon. Baronet correctly stated, a margin of 4,240,000*l.* That is the statement I made in April last. The additional amount of 4,000,000*l.* of Exchequer bills, which I proposed on Thursday last, and which the House voted, will produce a sum of 8,240,000*l.* From that is to be deducted the supplementary estimate, which has since been voted, amounting to 6,135,000*l.*, leaving a margin of 2,105,000*l.* That is shown in my last statement to the House, and the hon. Baronet will, I am sure, see that there can exist no doubt as to the correctness of that statement. The hon. Baronet has asked me a question as to Ways and Means bills having been issued to the extent of 1,750,000*l.* since the commencement of the year. The issue of those bills was to pay a large demand on the Exchequer at the very beginning of the financial year, and before the loan was available. The payment was made in anticipation of the revenue of the current year, and a considerable portion of the amount has been paid out of the produce of the loan; but it is unnecessary to take account of this particular mode of anticipation of the revenue, as the result must be the same whether the bills were paid out of the produce of the loan or out of the taxes. In either case the effects must be to diminish the available amount of the margin for the service of the year. I have now, I believe, answered every question put by the hon. Baronet, and I think he will find, on consideration of the matter, and on a re-examination of the figures, that there is no ground to suppose that there has been any error in my calculations, or that there is a difference between the Ways and Means and the Estimates to the amount which he seems to imagine. With regard to the deposits of savings-banks, no advance has been made from that money since the loan was obtained; and it is not my intention at present to resort to this source of supply.

Bill read 3°, and *passed.*

PROSPECTS OF THE WAR.

THE CHANCELLOR OF THE EXCHEQUER having moved the third reading of the Consolidated Fund (Appropriation) Bill,

LORD JOHN RUSSELL said: Sir, I rise to speak upon this Bill, and not only to refer to the subject to which I yesterday stated that I should call the attention of the House, but likewise to speak for some minutes, at least, upon the prospects which we have before us. I do not wish either to diminish or to aggravate the responsibility of Her Majesty's Government; but I think it worth while to notice that there never was a Government in this country which had a more responsible task before them, or which, on approaching the interval between the sittings of Parliament, were likely to have so many grave questions brought under their consideration. We have heard from the hon. Baronet who has spoken upon the last Bill, that more than 49,000,000*l.* have been voted this year as war expenses, and my right hon. Friend the Chancellor of the Exchequer has stated that his Budget at the commencement of the financial year amounted to 86,390,000*l.*, to which 4,000,000*l.* have since been added, making an amount of upwards of 90,000,000*l.*; and that he reckons upon no more than 2,105,000*l.* as surplus. Now, it must be owned that, whether we consider the amount of this sum or the expenditure of former wars, especially that great war of life or death in which we were engaged with the French Republic and the French Empire, there is enough in these sums and in our prospects to induce most serious reflections; and I do not think that the gravity of those reflections is at all diminished by the consideration of the immediate prospects of the war. It will no doubt be the object of Her Majesty's Government to administer those sums in the manner in which they will be most efficient for the purposes of the war. It will be their duty likewise to consider of the preparations to be made for another campaign; and it will also be their duty, if any occasion should arise, to consider of any proposal for negotiations with a view to the re-establishment of peace. Now, taking these matters in their several order, if we look first to the prospects of the war, we perceive that with regard to our navy, which has been always our great arm for war, that, while we have no reason to doubt either its efficiency or its gallantry if called into action, it is evident that our enemy does not mean to meet us on the sea, and that therefore we cannot expect to end the war by great naval victories or great blows to be struck by our navy. No doubt it is possible that Admiral Dundas may perform in the Baltic feats which Sir Charles Napier could not accomplish; but we are now in the month of August, and a season has arrived which, instead of being more favourable, it becomes less so for naval operations. We therefore cannot be very sanguine on that subject, even admitting the utmost skill on the part of the commander, and the utmost gallantry on the part of the fleet. With respect to our prospects in the Black Sea I do not wish to say anything; but I must say that I do consider that there is danger on the Asiatic frontier of Turkey. I was in hopes, when the proposal for a Foreign Enlistment Bill was made last winter, that we should have been able, seeing that our own force, and probably that of the French, would be required for the campaign in the Crimea, to obtain a subsidiary force by means of that foreign enlistment, and that 20,000, or 30,000 men, perhaps, might have been sent to the Asiatic frontier to support the Turkish army. That hope has hitherto been disappointed—from no fault, I must say, of Her Majesty's Government, though not, perhaps, entirely without fault on the part of the Opposition, because of the discouragement which was given in Germany to the obtaining of that force, and which so much delayed its enlistment. Still, however, our present prospect is that no such force as I have mentioned, properly equipped and disciplined, can be sent to the scene of action in Asia, or, if it were thought necessary, to the Crimea, during the present campaign. We have, therefore, neither in regard to our naval force in the Baltic, nor with respect to the Asiatic frontier, any immediate prospect of gaining such a decided success as might lead to the termination of the war. It will be for Her Majesty's Government, of course, to direct what use shall be made of the very large force that is now collecting in the Crimea; but it is obvious that that force, however large it may be—and no doubt, every effort has been made to increase it and to make it efficient—will be met by a large Russian army, that army being now augmented by troops which are sent from Poland and from other frontiers of Russia bordering on the Austrian Empire, which are now set free owing to the present policy of Austria. I cannot but think that these matters, without in the least imputing blame, are matters deserving very great reflection, and that the prospect before us is such, not, indeed, as to induce us in the slightest degree to limit or cripple the powers which this House has already granted, and which have been granted with a most liberal hand, but to require that when Parliament shall meet again—which may not, perhaps, be for six months—there shall be an inquiry into the use which has been made of the means that have been given and into the general prospects of the country. I have said, Sir, that it will be the business of the Government to consider the preparations for the next campaign. On that point, of course, I can say nothing, because any discussion upon such a subject could not but be mischievous. I am afraid too much publicity has been given already to plans of operation, and I should be sorry that any further information should be given as to the views of the Government on that subject. Sir, with regard to the proposition for peace, I must say a few words, not intending to revive the discussion which has taken place with respect to the particular questions of limitation or counterpoise, or any other scheme by which the preponderance of Russia in the Black Sea might be destroyed, but with a view simply to our future prospects. As far as I am myself concerned, though I entirely acquiesce in the decision of my noble Friend the Secretary of State for Foreign Affairs, that it would not be for the advantage of the public service that the despatches containing an account of my proceedings at Vienna should be produced, yet so far as I am myself concerned, I must say that I could not but wish that those despatches should be laid upon the table, and that Parliament should see everything which I had written containing an account of my proceedings at Vienna, and of what I thought were sufficient motives for the conduct which I pursued. They have not been produced; but I hope that the time may come when they can be given entire, without garbling or omission, for the public will then be able to judge of the course of conduct which I adopted. But, Sir, with respect to the future, very serious questions arise, because it will have been observed that the Turkish Ambassador at Vienna—a man of as much intelligence, perhaps, with regard to European affairs as almost any person I ever met of any nation, and who knew well the interests of his own country—was perfectly satisfied with the terms which were then proposed by the Austrian Government. I have never heard whether there was any decision in Turkey similar to that which was arrived at in London and Paris; but if there has not been—if the Turkish Government are of opinion that terms of peace have been proposed which would be sufficient for the security of Turkey; and if the war is to be carried on henceforth, not for the security of Turkey, but for the maintenance of the military and naval reputation of France and of Great Britain, then the position of this country and of France will be very much changed. It is true that, as we have assisted Turkey, and have in a great degree contributed to save her, we may ask her to continue the war with us. In that case, however, we can no longer have Turkish loans or guarantees, but we must give plain and downright subsidies to Turkey—and subsidies of a large amount, to induce her to fight with us. Such, therefore, appears to me to be the inevitable result if the Turkish Government should be of opinion at any future time that sufficient terms of peace have been proposed. With regard to the French Government, I would only say that the Emperor of the French has been not only so faithful, but altogether so prudent and just an ally, that I should be disposed to pay the utmost consideration to any opinion which he might hold with regard to any negotiations for peace. Of course it will be for Her Majesty's Government to consider the whole of the circumstances if such an opportunity should arise. If it should arise, I hope, upon the one hand, that they will not consent to any terms which they do not think honourable and safe and sufficient for their purpose—but those are very general words—and, upon the other hand, that they will not continue the war for one moment when such terms have been proposed. With respect, then, to those three questions of the carrying on of the war at present, the preparations for a future campaign, and any negotiations which may possibly arise, I can only say that I think there never was placed by this House greater confidence in a Government than is displayed by the Bill which is now about to be read a third time; and that the House will have a fair right, therefore, to call upon the Government next Session to show that they were deserving of that confidence.

I will now advert, Sir, to one particular part of that measure to which I said yesterday, that I should call the attention of the House. Part of the sums which have been granted have been applied for the purpose of transporting the Piedmontese troops to the seat of war. The sending of those troops was in consequence of a treaty made with Sardinia; and I cannot help calling the attention of the House to the fidelity to the cause of Europe, and to the general spirit which has animated the King of Sardinia and his Ministers. The King has waved all minor points, he has declined to press for any concessions which France and England might be expected to grant him; he has come forth boldly and generously as an ally; he has sent some of the best troops in Europe to the field of battle, and I am quite sure, if the occasion should call for it, that those troops will sustain the reputation which they have acquired in every period of the history of Europe. But, Sir, if the King of Sardinia and his Ministers have thus acted—if with no immediate peril to their own State from the war, they have acted on behalf of the general balance of power in Europe, it is not to be supposed that they do not expect to obtain the moral support of this country to a cause which that Government have always had deeply at heart. It is perfectly well known to those who are at all conversant with the leading men who have taken a part in the affairs of Piedmont and of Italy, that there is nothing which that Government has at heart so much as that a better system should prevail in Italy. I cannot wonder at that anxiety; on the contrary, I give them credit for it. The Government of Piedmont have been able to do that which until lately it seemed very difficult for any State of Southern Europe to accomplish—they have established a free representative Monarchy, and they have established it without violating any rights and without any bloody revolution, while they have maintained most firmly those principles of freedom which they have adopted. They wish naturally that the general state of Italy should be at least improved, and, if no constitutions should be established, that, at all events, such disorders as now prevail, and such oppressions as are brought to their knowledge from day to day, may receive some check, and be no longer consecrated, as it were, by the name of Government. They perceive that in the Papal States there is a system of outrage and oppression prevalent in the chief towns; that persons are imprisoned without cause; that dreadful punishments are inflicted without the means of redress, or of innocence escaping; and that, while that is going on under the cover of a legitimate Government, there is outside those towns an organised system of brigandage which makes the roads unsafe, which disables persons from going from one part of the country to another to seek their own dwellings, and which makes the whole territory insecure. With regard to the kingdom of the Two Sicilies I need hardly speak, because the sufferings of the best men of that country have been most powerfully brought to light by my right hon. Friend the Member for the University of Oxford. Some of those victims whose sufferings he then portrayed, some of the best men of Europe and of the most patriotic, are still suffering in Neapolitan dungeons, and I cannot find that the extent of suffering and outrage has been at all diminished. Time after time, no doubt, our Government have advised an amnesty to that Sovereign, in order to end these scenes of oppression; but it seems that his past oppressions make him dread the liberty of any of those persons, and no such plans of clemency have been adopted. In Tuscany, which has recently been occupied by Austrian troops, the system which was initiated nearly a century ago by the Grand Duke Leopold, of religious toleration, and of great mildness in the administration of the civil government, if not of political freedom, has been exchanged for a tormenting and inquisitorial religious persecution which is a disgrace to that country. But, Sir, what seems to aggravate this whole matter is, that those oppressions and persecutions are taking place, not because there is domestic misgovernment, not solely because the people themselves are unable to check those evils and to seek a remedy for those difficulties, but because one part of the principal States of Italy—the States of the Church—is occupied by an Austrian army, while Rome, the capital of the country itself, is occupied by the troops of the Emperor of the French. It has already been said, on behalf of the Roman Catholic Powers of Europe, that it was necessary that the Pope, as the head of the Roman Catholic religion, in order to have entire liberty of judgment, should have perfect independence of action. I was only the other day reading an account of a conversation held between the Emperor Napoleon and Monsieur de Narbonne. Napoleon had seized Rome, and Monsieur de Narbonne, in controverting the opinions which he entertained upon the subject, said to him, "In order to be free in these days it is necessary that the Pope should be master in Rome and possess an independent territory." Now, that is an intelligible position; but at the present moment the capital of the Pope and his provinces are occupied by foreign troops, and where is the freedom or independence of the people, when it is obvious that under the present system the Pope must be dependent upon one or both of the foreign States whose forces occupy his territory? I wish also to point out to the House that this occupation of the territories of the Pope by foreign troops is, in its character, different from those other military occupations which have taken place in the history of Europe since the year 1815. The principle of such occupations is certainly of doubtful application; but when they have taken place there has generally been this alleviation—that those Powers who have occupied with their troops the territories of foreign States have alleged as a cause for doing so that there had been disturbances, that there had been anarchy, that it would take some time to settle the minds of men, that, after a great convulsion, foreign coercion for a time—let the time be as short as possible—was necessary; and they have always promised that when the proper time arrived, that when it became clear that the institutions of the country had regained their force, that the authorities had reacquired their power, their troops should be withdrawn. Such has been, not only the theory, but also the practice of those occupations, and those who have considered the subject are aware that in most instances the promises so made have been faithfully fulfilled, and the foreign troops withdrawn as soon as domestic authority had reassumed its sway. But in the present instance the case is very different; for not only has the foreign occupation of the Roman territory continued for, I believe, now a period of five years, but I perceive no symptom whatever of the Papal authority gaining root, or acquiring more force than it had at the commencement of that period. On the contrary, every man who is acquainted with those States will tell you, and the statement cannot be controverted, that if the French and Austrian troops were withdrawn the authority of the Pope would be denied, and that in his stead some sort of government would be established more consistent with their notions of right and justice, one which would afford some liberty of opinion, and which would not employ the odious means of exercising its control which have hitherto been employed by the ecclesiastical Government. If this be true, what prospect is there under the present system that either the Emperor of Austria or the Emperor of the French will consider himself able to withdraw his troops from Italy? If, however, this occupation continue it will afford not only a logical contradiction to the theory that the Pope in order to be free must possess due authority, and must have an independent territory, but it will also be likely to cause a disturbance of the balance of power in Europe. It is not possible that England can be carrying on a war at the enormous expense which I have mentioned, because Russia has occupied part of the territory of her neighbour, and yet allow the occupation of the territories of the Pope by foreign troops. Is this disturbance of the balance of power of Europe one to which the influence of the British Government should be exercised in order to put an end? What is to be the end of this occupation? Is it not possible that the English Government, in concert with the Government of France, may succeed in devising some system of government for those Roman States more consonant with the interests and wishes of the people and more charged with the elements of justice? Were the war terminated, I believe that one of the first acts of the King of Sardinia would have been to ask his allies to turn their attention to this subject. I cannot doubt that he, as an Italian Prince reigning over a free people, and having the happiness and welfare of Italy at heart, would have called upon the Governments of France and Great Britain to assist him with all their influence, and to ask for the assistance of Austria, in the task of devising some durable system of government for the Roman States, thereby enabling France and Austria to withdraw their foreign forces, and that foreign power that now prevails there. Such, I am sure, would have been the course adopted by that Monarch. We have now, unhappily, no immediate prospect of obtaining peace, but I call the attention of the noble Lord at the head of the Government to this subject—not, I am confident, his unwilling attention—for I am sure that the noble Lord, if he could perceive any opportunity for exerting the influence of this country for the benefit of the people of Italy, for the improvement of their condition and for placing them more in accordance with the general interests of Europe, would be not only willing, but most glad to embrace it, I cannot see that there ought to be anything very difficult in the task. I do not enter into the question of the original occupation of Rome by France, or into the graver question of the title of Austria to the dominion she exercises; but, I cannot but think that the Emperor of the French would be most happy to consult with us as to the best method of improving the condition of the Italian people as preparatory to the withdrawal of his forces from the Italian territory. It may be said that this is an old grievance—that from the time of Petrarch to the present day, nothing has been heard but laments of foreign dominion in Italy; that this beautiful and unhappy land has been subjected to oppression of every kind, and that she has never had that freedom which a people of so much genius, so much industry, so much capacity for physical and intellectual enjoyments ought to have possessed. But I do not see any reason why, because this is an old grievance it should be a perpetual grievance. During the past year we have seen that Spain, not under foreign control, has made vigorous efforts to improve her government; those efforts are still going on, and I hope to God that they will prove successful; but such efforts in Italy are prevented and crushed by foreign influence, and I trust that the voice of England will be roused in order to improve the system of government in that country, not by introducing, but, on the contrary, by checking and controlling that violent spirit which Mazzini and his fellows seek to encourage, and by substituting a rational and temperate spirit, and above all, by introducing those laws which, founded upon the real principles of justice, possess eternal power. I have felt it my duty to offer these observations to the House, because I could not allow the Session to come to a close without commending this subject to the attention of my noble Friend at the head of the Government when the close of the Session shall have given him leisure to look into it.

Lord PALMERSTON and Mr. WILKINSON rose together—the noble Lord gave way.

MR. WILKINSON trusted the noble Viscount would forgive him, if before the noble Viscount replied to the noble Lord, he (Mr. Wilkinson) offered a few observations from an independent Member upon the speech which they had just heard. The reputation of the noble Lord belonged to the House and to the country, and everything which fell from him could not but be of importance. Yet he (Mr. Wilkinson) could scarcely understand the drift of the noble Lord's speech. The noble Lord urged upon Her Majesty's Government an interference in the affairs of Italy; no doubt the sympathies of the people of this country were with the Italians, the Poles, and the Hungarians, but it did not appear to him (Mr. Wilkinson) that the present was the fitting time to call upon the Government for active interference, although certainly the Government should not be unmindful of the position of those countries, and the noble Viscount might well reply to the appeal of the noble Lord, in the words of Hector to Andromache—

"That post shall be my care,
Nor that alone, but all the posts of war."

The noble Lord objected to the occupation of Rome by French troops. He (Mr. Wilkinson) regretted this occupation, but he could not help thinking that the necessities of the position of the Emperor Napoleon might have some connection with that occupation, and probably, when the Emperor was more firmly seated on the Throne of France, as we all hoped, for the peace of Europe, that he would be—that occupation might cease. Before, however, he proceeded further with his remarks upon the noble Lord's speech, he wished to refer shortly to what had taken place on a former occasion. He had, on Friday last, listened, almost with dismay, to the speech of the right hon. Gentleman the Member for the University of Oxford. Such a speech, from a man calling himself a statesman, he (Mr. Wilkinson) had never had the bad fortune to read or to hear. He had never heard sentiments so astounding uttered by an Englishman. That right hon. Gentleman had risen in his place and after a maze of words and mystification, had drawn disastrous, and unfounded pictures of the resources, and prospects of this country, of France, and of Sardinia,—and then proceeded to eulogise, and at the same time, give an exaggerated account of the resources of the Government, and the enthusiasm of the people of Russia. He (Mr. Wilkinson) trusted that there was no other man in that House who would venture to adopt a similar course. With respect to the terms proposed by Austria, and which Her Majesty's Government were blamed by the right hon. Gentleman (Mr. Gladstone) for not accepting, he (Mr. Wilkinson) had always understood, that the noble Lord had been of opinion that those terms ought to have been accepted — but that when he came to London from Vienna, he altered his mind, and was of opinion that they could *not* be accepted. Now, however, he appeared to have changed again, and thought that these terms ought to be accepted [Lord J. RUSSELL, No!] so he (Mr. Wilkinson) had understood the noble Lord. Now with regard to these terms, when the hon. Member for Wick (Mr. Laing) said, that the whole question had turned upon the two plans of limitation and counterpoise, one thing had struck him forcibly—namely, that only one of these proposals could be called a plan. He could understand a plan of limitation, by which each party should agree to limit the amount of its force—but as to what was called the plan of counterpoise, that by which, if the ships of one power were augmented the ships of the other might likewise be augmented, it was no plan at all; for of course there could be no hindrance offered to such augmentation. [Lord J. RUSSELL: In the Black Sea.] Yes, in the Black Sea; but what was to hinder the other Powers from going into the Black Sea? The supposition was, that Turkey was menaced, and then she was to have leave to call her allies to her assistance; but this she could always do without any stipulation or treaty. In short one was a plan, the other was not. The noble Lord said, that was a point which had considerable weight with him, and that the Turkish Plenipotentiary, a man whose opinion commanded great influence, believed the plan proposed by Austria likely to be satisfactory to Turkey; and then he (Mr. Wilkinson) understood the noble Lord to argue that the object of the war being so far accomplished, we should have no right to carry it on for the purpose of establishing the military glory of England and of France. [Lord J. RUSSELL: No, no!] He understood the noble Lord to say, or to infer, that if Turkey were satisfied with the terms of peace proposed, we could not call on her to assist us without subsidising her. Now, he (Mr. Wilkinson) had always thought the protection of Turkey was but a means to an end, and that the main object in view was to curb the ambition of Russia, and to check her schemes of aggrandisement. He agreed that it would be improper to carry on that war for one moment after its objects were attained; but he could not think that those objects were yet attained. Entertaining this belief, he could not help regretting that the House was about to separate without a distinct expression of opinion on the subject of the continuance of this war; for every vote they had yet come to on this question, had been mixed up with some other matter. He had risen on Friday night to move an Amendment on the proposition of the hon. Member for the Wick Boroughs, which would have had the effect of eliciting this opinion; but the hon. Member for Aylesbury had caught the Speaker's eye, and after that, the House would remember how his hon. Friend the Member for the West Riding had led the debate away into a personal encounter with the right hon. Bart. the Secretary for the Colonies (Sir W. Molesworth) upon an entirely different subject. He (Mr. Wilkinson) was one of those who thought that if a firmer and more uncompromising tone had been taken by Her Majesty's Government in the first instance, this war, for the present at least, might have been prevented. He did not blame the Government of Lord Aberdeen on this account, because he felt the grave responsibility which rested upon any Minister, who, after forty years of peace, should plunge this country into war. But now we were in the war, and it appeared to him that the only secure and speedy mode of obtaining and maintaining peace, was by the most vigorous prosecution of the war. We wanted that which the right hon. Gentleman (Mr. Gladstone) said it was wicked to desire—we wanted success, and success we must have. There was no middle course, England and France were embarked in the war and they must fight it out, and succeed they must, or fail altogether. The object of the war, as he understood it, was to show to Russia and the world, that the peace of Europe is not to be lightly disturbed, and that if it be, the penalty of the disturbance shall fall upon the head of the disturber. Until that was shown, he believed the country would never be satisfied.

Viscount PALMERSTON: Sir, I do not rise to complain that my noble Friend has called the attention of the House to matters and topics of the deepest national importance, and with regard to which he himself, when in office, took a prominent part. It is natural that in those great questions which occupied his attention when he was in office he should feel great interest now when he has more time to devote to them; and it is not at all unnatural that at the close of the Session, when the probability is that Parliament may not meet again for some months, he should avail himself of this opportunity not only to state his own views, but to call upon the Government, so far as they can consistently with their duty, to state what are their views upon the maters to which his observations referred. Sir, my noble Friend began by stating the amount of the responsibility which weighs upon Her Majesty's Government. I can assure him and the House that Her Majesty's Government are deeply sensible of the gravity and importance of that responsibility. No man, Sir, could have been a party to entering into the great contest in which we are engaged—no man, at least, ought to have been a party to such a policy—without having deeply weighed in his mind the gravity of the contest in which he was about to engage the country, and without having satisfied his mind that the cause was just—that the motives were sufficient—that the sacrifices which he was about to call upon the country to make were such as a statesman ought properly to call upon the country to endure. But it must indeed be a grave reason which could induce a man who had been a party with Her Majesty's Government to this line of policy, who had, after full, and perhaps unexampled deliberation sanctioned its commencement, who, having concurred after that full and mature deliberation, had also joined in calling upon the country for great sacrifices in order to continue it, and who had up to a very recent period assented to all the measures that had been proposed for its continuance—I say it must indeed be a grave reason which could induce a man who had so acted utterly to change his opinions—and to declare that the war to which he himself was a party was unnecessary, impolitic, and unjust—to exaggerate the resources of the enemy, and set before the country all the imaginary disasters with which his fancy could furnish his speech, and to magnify and exaggerate the force of the enemy and the difficulties of our own position. Sir, I am not such a man as that; my right hon. Friends, my colleagues in the Government, are not men of that stamp; and therefore, in answer to my noble Friend, to whom nothing that I have said in the slightest degree applies, I have to state that Her Majesty's Government, fully conscious of the great importance of the contest—fully conscious of the immense exertions which may be necessary to bring it to a successful termination—are prepared to take upon themselves the responsibility attaching to their position, and will not be afraid when Parliament meets again to render an account of the manner in which that responsibility has been borne by them. Sir, we are conscious also of the generous support which the House and the country have given to us throughout the exertions which we have felt it our duty to make. Whatever may be the opinions of some few Members of this House—and, indeed, I may say of a few persons out of this House—for I do not believe that the opinions which we have heard here against the continuance of the war have any echo whatever out of doors—I am satisfied that the great majority of this House, as proved by the votes which they have given, are the faithful representatives of the manly spirit of the country, and that the confidence of this country, and the support of the country, will be given to any Government, whoever they may be, who may conduct the great contest in which we are engaged, and who may perform the duties which devolve upon them to the best of their ability, and in accordance with the wishes of the people of this country.

Sir, my noble Friend has thrown out his notions, or his doubts, as to the operations of the war, and has made observations as to the terms of peace. It cannot, I am sure, be supposed that Her Majesty's Government can enter into any explanations upon either of these subjects. It would be most unfitting indeed, and would obviously tend to defeat the policy of the country if we were to sketch out what we thought might be accomplished by the prosecution of the war, or if we were to state to the House what should be the terms of peace upon which we think the contest may be terminated with safety to the country. The operations of the war must, in their nature, be dependent upon the circumstances that may arise. The conditions of peace must depend upon the circumstances under which the negotiations mey be begun, and upon the success which either party in the war may have obtained at the moment when these negotiations may commence. But there is one point to which my noble Friend has adverted, which calls for some remark—I mean the opinion which he seems to have entertained that the Turkish Government was of opinion that the Austrian proposals ought to have been accepted, and that that opinion was overborne by the contrary decision of the Governments of England and France. Sir, my noble Friend must know far better than I can the personal opinion upon that matter of the Turkish representative at Vienna; but I can only say that I have no reason whatever to believe or to suppose that the Turkish Government differ in opinion from the Governments of England and France as to the necessity of not accepting the propositions to which my noble Friend has referred. No doubt, if the time should come when the Turkish Government should think deliberately that certain conditions were consistent with its future security, that opinion ought to weigh much in the scale when the Governments of England and France shall be called upon to deliberate upon the conditions of peace; but I think that the remark which the hon. Member for Lambeth (Mr. Wilkinson) made, ought not to be lost sight of—namely, that the objects for which this war was undertaken are far wider and more important than to depend solely upon the decision of the Turkish Government. The war was undertaken not only for the protection of Turkey, but, as the hon. Gentleman well observes, as a means to an end. No doubt the protection of Turkey, as a question affecting the maintenance of the balance of power in Europe, is an object which it would be the duty of all the other Powers of Europe to contend for. But, as I have said, beyond the question of the protection of Turkey lies the still greater question of the grasping ambition of Russia—an ambition which no man has more forcibly or more fully explained than my noble Friend himself. That ambition aims at the moral and physical subjugation of the Continent of Europe, and the extinction of all those principles of political and commercial liberty upon which the power—and, I may even say, the independent existence—of the kingdoms of Europe mainly depend. Therefore, I should not be prepared to say that it ought to rest with the Government of Turkey to decide what are the conditions which may be consistent with the future security and the permanent peace of Europe. I should say that the Governments of England and France have even greater—at least, fully as great—an interest in this matter as the Government of Turkey itself—and that their enlightened views upon matters of European policy are perhaps more likely to be right than even the views of the Turkish Government. But there is no reason to suppose that that difference of opinion is likely to occur; and I can only say that at the present moment, and I hope it may so continue, there is perfect unanimity and concord between the Governments of England, France, and Turkey. In mentioning the Government of France, I must express my entire concurrence in the opinion which my noble Friend has expressed as to the perfect sincerity, cordial friendship, and entire unity of opinion which have prevailed between the Governments of England and France. The two Governments, indeed, may be said, upon these two great questions, to form but one Cabinet, of which some members are sitting in London and some in Paris. There is between them a perfect unity of views and of purpose, and I cannot but anticipate that that entire union between those two great countries must, in the end, accomplish the great objects for which they are united.

Sir, my noble Friend has observed upon the fact that we have not hitherto been so successful as we expected to be in carrying into execution that power which Parliament gave us before Christmas for the enlistment of foreign troops for the purpose of reinforcing the troops of this country and of France. My noble Friend has adverted to the cause of our failure in that respect. I do not wish now to go back to former debates, but I will say this, that it is mainly owing, not to men on the Continent, but to the unfavourable impression which was produced on the minds of men on the Continent by the difficulties which were thrown in the way of the Foreign Enlistment Bill in its progress through the two Houses of Parliament that that measure has not been successfully carried into effect. We are now, however, proceeding with greater rapidity than hitherto in carrying into effect the provisions of that law, and I do trust that, before the autumn sets in, we shall be enabled to send a considerable reinforcement to our army in the Crimea by means of the power which Parliament has given to us. With regard to the war, then, Sir, I have nothing more to say, except that we feel that it is our duty to carry it on by all the means which Parliament has so generously placed at our disposal, and we humbly trust that we shall so perform our duty that, when Parliament meets again, we shall not be found to have forfeited that confidence which Parliament has hitherto been pleased to repose in us.

Now, Sir, my noble Friend has adverted to other topics also of great public interest. My noble Friend has directed our attention to the condition of Italy. Sir, that is, no doubt, a painful subject. He has adverted to the frightful character of the kingdom of Naples. He has also dilated most eloquently, but most justly, upon the admirable example which is afforded by the kingdom of Piedmont to all Europe. He has pointed our attention to a people wise enough to know the value of constitutional institutions, and temperate, moderate, and firm enough to know how to work them well without almost any previous experience. That country affords an example almost unparalleled in the history of Europe; because we have seen many countries which, from arbitrary Government, have suddenly obtained representative institutions, but which, owing to want of previous practice and experince, have, for years and years, found those institutions unavailing for any practical promotion of rational liberty. Not so with Piedmont. There the people seem as if they had enjoyed for centuries the excellent institutions which they have only recently obtained; for there had been few of those conflicts and violent antipathies which frequently take place in and disfigure the earlier periods of constitutional government; and while the people, on the one hand, have shown that wisdom and steadiness of purpose which dignifies them in the history of Europe, they have, on the other hand, had the good fortune to be ruled by a Sovereign who well understands that the real power, dignity, and reputation of a Monarch depend upon his gaining the affections of his people, and who has respected the institutions which his country has obtained, and which, while they appear to curb his power, place that power upon a firmer foundation, and who has set to his people an example worthy of the exalted position in which he stands. Sir, no doubt it is only natural that such a people and such a Monarch should look with painful anxiety upon the condition of other parts of Italy. No doubt that condition is as deplorable, as it has been described by my noble Friend. In many parts of Italy, and especially in the Roman States, and in the kingdom of the two Sicilies, events take place and circumstances arise which form a most painful contrast with the state of things in the kingdom of Sardinia. Foreign influence in all countries is fatal to the well-being of the people; but foreign influence, maintained by arms, is still worse even than that which is maintained by political ascendancy. But in Italy, unluckily, both have had their sway. In the kingdom of Naples we see the ascendancy of foreign political influence—for it is vain to disguise the fact that the influence of Russia is predominant there. And that is one example of that which has been denied by many of the manner in which, even in countries divided from the Russian Empire by large tracts of land, the influence of that Power weighs heavily. Upon more occasions than one the Government of Naples has shown its hostility to England and France by its prohibitions against the export of things of which their neutrality did not forbid them to permit the export; and I am concerned to say that only recently there have been cases of cruelty and oppression committed by that Government which really do not belong to the age in which we live. On the other hand, the occupation of the Roman States by French and Austrian troops has naturally increased the ability of that Government to commit acts which are not in consonance with the feelings of the people of this country. But the House must, I am sure, see that that is a topic most difficult and delicate for the British Government to touch. There cannot, at the present moment, be anything less desirable for the interests of the country than that either discussions in this House or that any proceeding should be taken by Her Majesty's Government which would tend to cast a shade of coldness over the relations between this country and France on the one hand, or between this country and Austria on the other. But I may say this, that, with regard to France, without entering into the motives which led to the occupation of Rome, or the effects which that occupation has had, and which, indeed, I am bound to say have been those of tranquillity—I believe that no complaints have been made of the conduct of the French troops during that occupation, but that, on the contrary, their conduct has been most exemplary. With regard to the French occupation the House is probably aware that the number of the occupying troops, instead of being increased has been materially reduced. And with regard to the Austrian occupation, it has altogether ceased in Tuscany. An Austrian garrison occupied Florence till very recently; but that garrison has been removed, and the Government of Tuscany has been left to its own resources in the administration of its own affairs. There has been a report, I know, prevalent, that recently the Austrian force in Italy has been considerably augmented. I do not believe that that report is well founded; on the contrary, information which Her Majesty's Government has recently received goes to show that though a certain number of Austrian troops—3,000 only, or 4,000, 5,000, or 6,000, according to different accounts—have entered Italy, they have only replaced a certain number of Italian troops, to whom leave of absence for a certain period, in the usual course, has been given. The present actual number of Austrian troops in Italy has, therefore, not been increased. Whether that portion which occupies Ancona is greater or less, I am unable to say; but I believe that the aggregate amount is not larger than it has been for some time past. And, therefore, any notions that may have prevailed as to a change of policy on the part of Austria with regard to Italy, and which it was said was totally incompatible with her relations with England and France, are, I am persuaded, utterly unfounded; and I am perfectly convinced that whether Austria may or may not, at a future time, find it to her interest to take the field in conjunction with England and France, of one thing I am perfectly satisfied, that we shall not see Austria take the field against England and France in concert with Russia. My noble Friend, however, has said that he thinks it would be becoming for Her Majesty's Government to take advantage of any circumstances which might from time to time arise, with the view of endeavouring, by means of the Governments of France and Austria—or without them, according to the state of things—to ameliorate the condition of that fine country which he has so well and so justly described. Sir, it must be painful to see that great people—for I must call the Italians a great people—who, by nature, are endowed with the finest qualities, and are capable of becoming, as they have been in former times, models of everything that elevates and dignifies human nature, debarred, by the accidental circumstances of their political condition, from pursuing that career which would enable them as a great nation, to rival the most of the world. It must therefore be an object of great interest to any British Statesman—as it was on a former occasion the object of my right hon. Friend the Member for the University of Oxford—not only to endeavour to alleviate the pressure now weighing upon the Italians, but to open to them a nobler career, more congenial to those qualities with which nature has endowed them. But every man must be aware how difficult it is to alter the state of things which circumstances have brought about. At the same time, I can assure my noble Friend and the House that no fair or proper opportunity which may present itself to Her Majesty's Government, by which the condition of the Italians may be improved, will be lost. It must be in the recollection of many hon. Gentlemen that, so long ago as 1832, the five powers of Europe, by their representatives at Rome, did suggest to the Roman Government changes and administrative improvements, which, if carried into effect, would have gone far to improve the condition of the people of the Roman States. Those recommendations made not only by the representatives of England and France, but by those of Russia, Austria, and Prussia, unfortunately fell to the ground. They were recently partially taken up again and acted upon so far that a council of finance had been established. I am afraid that that council of finance has remained a powerless body; for though they have, I know, made reports and representations, those representations have led to no advantageous results. There were also combined with that measure certain provincial annual assemblies, in which there were the elements, I will not say of representative Government, by which the feelings of the people might have been made known to the Government, and by which the Government might have become better acquainted with the true interests of the people. But there has been one great difficulty in the way of the adoption of those arrangements, namely, what is called the secularisation of the administrative departments. That difficulty has not been overcome. My noble Friend thinks that, if the troops were withdrawn, the Italian people themselves would establish a form of government which would be more congenial to their feelings and more conducive to their interest than that which now exists. If those changes could be made with that deliberation and calmness which are most calculated to accomplish a satisfactory result, I should say, for myself, let the troops go to-morrow, and let such improvement take place. But, unfortunately, the road from bad to good government is not always smooth, easy and rapid. There are difficulties in the way—there are dangers to be passed—there are evils to be encountered which sometimes, for the moment, almost counterbalance the good which is seen in the distance; and I should be afraid that, unless arrangements were previously made, and the way carefully prepared beforehand, any sudden introduction of such changes as my noble Friend suggests would set loose the wild notions which may here and there be entertained, and might lead, perhaps, to disturbances and inconveniences which no man would be more anxious than my noble Friend, I am persuaded, to avoid. But I think I can somewhat answer for the Government of France—and I am sure I can answer fully for the Government of England—that the attention of both has not been withdrawn from this most interesting subject, and that we should be most anxious to avail ourselves of any opportunity which may present itself, for the purpose of furthering those benevolent objects to which my noble Friend has directed the attention of the House.

I am not aware that there is any other topic which he has mentioned to which it is necessary for me to refer. I have said that a due sense of the responsibility of the Government, with reference to the war, is entertained by them, and that it is our intention to do the best that we can in discharge of that responsibility—that we are conscious that we shall have to render a strict account when Parliament meets again as to the manner in which we shall have discharged our trust; and I will only add that we hope and trust that our conduct may then be satisfactory to Parliament and to the country.

Mr. HENLEY: I hope, Sir, the noble Lord may not prove to be too sanguine in his expectation that on the reassembling of Parliament he will be able to render an account of the proceedings of the Government which will be satisfactory to the House and to the country. For my own part, I ardently trust that that account may be satisfactory, and may redound to the honour of the noble Lord, who has, with a spirit which well becomes him, assumed for himself and for the Government the deep responsibility of our present position. I believe the noble Lord has correctly stated that the country at large is most desirous that the war should be prosecuted with vigour and determination. I confess I was somewhat at a loss, till the noble Lord at the head of the Government rose, to understand the why or the wherefore this discussion was raised. The noble Lord has had long experience, and I have no doubt the reason he stated was the true one. He stated that the noble Lord the Member for the City of London was now in a position that enabled him to compass an enlarged view of a great number of things, and that he had taken this opportunity to give vent to an expression of opinion on several matters that he had found leisure to study and understand. That is not an unnatural solution of the difficulty, because it is in my recollection that the noble Lord himself (Viscount Palmerston) has, when similarly situated, favoured us with a similar line of conduct, and we generally find that in such cases men judge of others by themselves. Some of the questions raised by the noble Lord the Member for the City of London are not only of some interest, but, considering the high position of the noble Lord, may almost be regarded as causes of some apprehension. On a recent occasion he took an opportunity of discussing the question of the negotiations, when he found himself in a warlike mood, and he then opened up to us the important subject of the nationalities of Poland and Hungary. [Lord JOHN RUSSELL: No, never!] The noble Lord dissents. How far I am right or wrong in saying that he opened up the whole question may give rise to a difference of opinion; but this at all events is clear, that the noble Lord called, in the most forcible language, the attention of the House and the country to the conduct of Russia in those particular countries, and this, by an easy transition of the mind, may be called an opening up of the whole question. The condition of those countries was used by the noble Lord in a warlike mood as a sort of makeweight to show us the kind of Power we had to deal with in Russia. The noble Lord then slipped, in a peaceable mood, to other topics.

LORD JOHN RUSSELL: I beg the right hon. Gentleman's pardon, but I do not remember saying a word about Hungary. What I referred to was the Russian government of the Polish provinces.

MR. HENLEY: The noble Lord says his observations were confined to Poland, and no doubt that country was enlarged upon as his greatest point. However, the noble Lord afterwards fell into a peaceable mood, and the House certainly did not find him drawing a very sanguine picture of the prospects of the country with regard to the war. He said but little, but that little was not calculated to lead us to believe that the noble Lord's opinion was a very sanguine one with regard to the success of the war; and having that opinion, the noble Lord suggests a very odd way of helping us out of our difficulties. He suggests, on the one hand, that he would have been better pleased if the whole of his opinions that are on record in the Foreign Office had been laid before the House, leading us to infer that the country is not now in possession of all those facts that would enable it to come to a sound judgment on the matter; and, on the other hand, he suggests—what certainly is of great importance, because the noble Lord the First Minister admits that in this particular the noble Lord the Member for London had better opportunities of forming an opinion than anybody else—he suggests that it was possible Turkey might have been quite satisfied with one of the arrangements that had been proposed, and that, if this were so, ordinary justice required that instead of granting a loan to Turkey we should supply her with subsidies. Now, when the noble Lord makes a suggestion of that kind, with the consequence which he infers from it, people are naturally led to suppose that he has stated what was his own impression, because men do not usually draw inferences of that kind unless their own minds have arrived at a definite opinion on the subject. Passing from these matters, the noble Lord, as if things were not complicated enough, had recourse to his historical recollections, and pointed to operations of various kinds which the noble Lord at the head of the Government has had to do with in other parts of the world, and not unnaturally he thought of Italy. Here is a nice matter, he no doubt thought to himself, to take up when it is convenient to be in the warlike mood again—Poland does not answer the purpose well, it is out of reach—but here are fresh nationalities in Italy. The noble Lord now at the head of the Government is well known to have performed certain feats in that country, and to have originated a certain roving diplomatic expedition, for what precise purpose many different opinions were formed at the time. This, however, may be said, that if it did not cause certain things, they happened very oddly together. Seeing all these matters have been fermenting in the mind of the noble Lord (Lord J. Russell) during his period of leisure, why should he not call attention to them? But the noble Lord at the head of the Government has not, as we might have expected, chosen to give us much information on those points. After a great deal of description, which I have no doubt is perfectly true and sound, of the good faith and good sense of our ally, he went the length of saying that the two Governments might now be considered as one Cabinet. That was a very satisfactory statement to make to the country and to the House, because, no doubt, unity of action in all great operations is essential to success. Then the noble Lord glanced rather slightly at the existing state of Italy, though he did so with his usual ability. We all remember that the year 1832 was a period when ultra-Liberal principles were in the ascendant. Everybody blazed away in the full swing of the Reform Bill; and we recollect that the five great Powers of Europe made sundry propositions to the Roman States which were attended with very little success. There are many things connected with that matter on which the noble Lord might have enlightened the House, but he has not seen it his duty to do so. After a reference to Sardinia, the noble Lord turned to Naples, and called upon us to see how completely that country was under the thumb of Russia. He points to the cruelty and oppression there perpetrated, and uses many hard words, though I am ready to confess not one jot harder than the occasion requires. But then the noble Lord immediately alludes to those parts of Italy which are occupied with foreign troops; and I ask the House to perceive how differently he describes the acts that are done there. He speaks of them as acts not in accordance with the feelings of the people of this country. That is the easy and ingenious way in which the noble Lord deals with countries that are not circumstanced like those which are under the influence of Russia. He speaks of the sad influence of Russia as a despotic Power; and so also of Austria as a despotic Power; but I have yet to learn that France is not also a despotic Power at this moment. The noble Lord very conveniently skips over the eventful period of 1848. It would have been instructive to this House to hear from the noble Lord a little information as to what took place then. He had it in his power to do so, and a most graceful opportunity was presented him of enlightening the House on subjects with respect to which there is reason to believe considerable misapprehension exists; but the noble Lord did nothing of the kind. He told us that the Austrian troops had been withdrawn from Tuscany, and that there are now a smaller number of French troops in the Papal States than formerly there were, and the noble Lord adds, that it is a painful thing to see Italy misgoverned as it is; but that unless they are prepared at all hazards to place themselves in a better position, the people of that country will be apt to fall into acts of violence and disorder which all must lament. How far the noble Lord had the same opinion in 1848 I do not know; but so far as we can judge from what has since taken place, I should say he had not. The noble Lord then went on to say that it was absolutely necessary that foreign troops should continue in occupation of the country—for what? For the purpose of keeping order. But with all the strong wishes which he has expressed that the Italian States should be better governed, he did not give us the least reason to suppose that now that order has been kept in those countries during five or six years by means of foreign bayonets, there is any intention to get things into a better state than they were in when the troops went there; neither has he held out the least expectation that the time was approaching when these foreign troops might be withdrawn. I must confess that I regret that this matter has been brought forward at all, for I think that it will lead to no good, and that it is only throwing down another apple of discord, when there can be no doubt that the Government, without interfering in this matter, will find sufficient employment in carrying on the war with efficiency and in obtaining a secure peace. I agree with what has been said by the hon. Member for Lambeth, and believe that this country was got unnecessarily into this war, and that if the Government had been in different hands this country would have been kept out of it. But what we must do now that we are engaged in the war is a very different question. We must do everything in our power to bring it to a safe and honourable termination; and I must confess that I have not been of opinion that there has as yet been afforded any fair opportunity of bringing it to such a termination. I do not believe, in those negotiations which took place at Vienna, that any of the parties who went there were actuated by any real intention of making peace. Judging from the papers giving an account of those transactions, neither what took place on the part of the Allies, nor on that of Russia, conveys to my mind the impression that any of the parties went to Vienna to make peace; they appear to have gone there to endeavour, through negotiation and diplomacy, to gain for their respective countries an advantage, and to place them in a position to make peace. The negotiations, at all events, have failed; and that being the case, I believe that the Government has now nothing to do but to fight out this war, for I think that is the only mode of obtaining a secure peace.

Bill read 3° and *passed.*

HOSPITALS IN THE EAST—RETURNS MOVED FOR.

MR. STAFFORD, in moving for an Address for Copies of Returns respecting the Naval and Military Hospitals in the East, said, that one of the first debates of this Session was an eager and anxious debate with reference to the subject he was now about to bring forward; and it was occasioned by accounts which had reached this country from the Crimea relating to the sufferings of our army there and on the Bosphorus, and from a deep desire that the sick and wounded of our army should have every protection afforded them in the hospitals at Scutari and elsewhere. The result was a division, which dismissed the existing Government by one of the largest majorities on record. Six months had passed since that discussion, in which no allusion was made to the nature and objects of the war, but which emphatically confined itself to the conduct of the war; and now that party debates were over, and the Session was about to close, it was not too much to ask the Government for a statement of what had been done to redress the grievances then brought forward, and to ameliorate the evils which were then alleged to exist; seeing that it was on those conditions of redress and amelioration that they expressly accepted and still retained office. The returns for which he intended to move (to which he ought to expect no opposition) related not only to the naval hospital (which the First Lord of the Admiralty had invited him to ask for), but to all the information which was to be obtained relating to the health of the army, and which had appeared from time to time in the public press, having been communicated by the Horse Guards, and which he thought ought to be collected in such a form as to become recorded in that House. He also proposed to move for the Reports of Sir John M'Neil on the sanitary condition of the camp. He could see no reason why they should be withheld, and he hoped that it was not founded in fact he should meet with great opposition. Before he proceeded to state the cases which he intended to bring forward he wished to allude to a circumstance connected with a gentleman who, being now absent from this country, had every right that his friends should be heard as speedily as might be. A near relative of Dr. Hall, with reference to some observations made not by him (Mr. Stafford), but by the hon. Member for Pontefract (Mr. M. Milnes), was anxious that it should be stated to the House that he had received a letter from Mr. D. Fitzgerald, of the Fusiliers, relative to the circumstances of the death of Mr. Stowe, the gifted and accomplished commissioner of *The Times.* In that letter, Mr. Fitzgerald stated that he communicated to Dr. Hall at the "same time the illness of Mr. Stowe, and its cause; and on his being asked who he was, he stated that he was the correspondent of *The Times.*" That was in reference to the inquiry of the hon. Member for Pontefract, and this letter contained a complete exculpation of Dr. Hall from the charge of not admitting Mr. Stowe into the military hospital. The letter also referred to an anonymous letter received by him (Mr. Stafford) respecting the treatment of the wounded on the 18th; and it contained this satisfactory language:—"That the inquiry he asked would be the best means of clearing Dr. Hall from blame in this matter." He was glad that it was Dr. Hall's wish that there should be an inquiry. He (Mr. Stafford) knew that some things he was about to say would not be palatable to some persons in the country, who thought it was not wise to bring before the public the sufferings of our soldiers, or the evidence on the subject from those in authority. It was among those people permitted to pray for the soldiers, but it was not permitted to express any commiseration for their unnecessary sufferings, or to condemn in any respect those who were the authors of those sufferings, and who might have prevented them. But, looking to the mass of evidence brought before the commission sent out by the Duke of Newcastle, at the time the statements were made as to what was going on in the Crimea and the hospitals at Scutari, it was certain that state of things could never have been remedied if the system of secrecy and silence had prevailed; and he was of opinion that the men who revealed those things deserved well of their country. He would read a few extracts from the evidence before the Commission, to show that men who have had such experience ought to have their suggestions attended to. The hon. Gentleman then read several extracts from the evidence, which were in substance as follows. The first extract was from the evidence of Mr. Robert Cooper, of the 4th Dragoon Guards, who said—

> "He would express himself freely on the various topics which had been brought under his notice, and was glad to avail himself of the present opportunity."

That extract went to show the animus against the surgeons who ventured to express their opinions. Then Mr. Robert de Lisle said—

> "It was impossible for him to state how often he had made requisitions for medicines and medical comforts in vain. His sick asked for soup, &c., and expressed some impatience; but few of them would have been impatient had they had proper food and clothing. He was three hundred blankets short at a time when the thermometer was at 26; rum, which was so necessary, was not forthcoming when wanted; the issue of meat was very irregular, and on Christmas-day it was issued so late that it could not, along with the coffee, be cooked. On the 28th December they were forced to return as a working party to the trenches; as they could not cook their food, they must have been two days without meat, unless they ate it raw."

Mr. Eyre, of the 1st Royals, said—

> "Much of the suffering of the troops in the trenches was horrible, owing to the apathy and neglect of the authorities; and that of the sick and wounded equally so."

Dr. Anderson, of the 90th, said—

> "That his men had been on salt provisions and raw coffee for three weeks; a great proportion of the sickness was caused by the imperfect preparation of the coffee; the men had no means of cooking, and were ill-fed and overworked."

This was not only the evidence of responsible witnesses, but it was written, and not oral evidence. Mr. Wyatt, of the Coldstream Guards said—

> "There was great difficulty in getting any medical comforts; he was unable during the prevalence of cholera to get a drop of brandy, though he made a special report on the subject."

Mr. Bostoc, of the Fusilier Guards, said—

> "About a month ago Dr. Smith's cots were issued, but they had no framework and no feet, and were quite useless. Previously to that there were no beds or bedding; there were blankets, but not enough to provide one for each man. The consequence was, that they were soon saturated with mud, and in that severe weather there was no alternative for patients suffering from cholera and dysentery but to lie on the wet ground."

Colonel Walker, of the Fusilier Guards, said—

> "He had formed a table out of a discarded pork barrel, which had actually been borrowed by Mr. Bostock for an amputating table."

Dr. Anderson, staff surgeon, stated—

> "I went in daily to the landing place to see the principal medical officer. On my telling him how we were situated as regarded medicines, comforts, &c., I was informed that 'I was making difficulties.' I replied, 'Those of the Light Division never make difficulties.' He then said, 'Make a requisition.' Dr. Pine, who was present, asked him, 'If one were made, could the same be complied with?' when it was elicited that some supplies were on board some ship, but where she was was quite another thing. With a sick list of 636 of cholera, dysentery, diarrhœa, fever, &c., on the 1st of December, four ounces of opium, and the same of calomel, were issued for the division, which was three doses of one grain of each of these two medicines to each patient."

The hideous experience of such men having been before the Government for six months, he would now proceed to read some of the suggestions for remedies which they had made. Mr. Patullo, of the 30th Regiment said—

> "That the subordinate medical officers were deterred from making requisitions for what they needed by their superior officers."

Mr. Watts, of the 23rd Fusiliers, suggested—

> "The training of a set of men something like those in the French service, who should be under the surgeons, and be taught how to use a tourniquet, and to place a fractured limb in an easy position till the surgeons could attend to the patient."

Mr. Painter, of the 13th Light Dragoons, said—

> "That every medical officer should be independent of his neighbour, and have his own pack-horse and panniers for the conveyance of what he required; as it was, the supplies of the different medical men were broken in upon, as the staff

surgeons often drew on the regimental surgeons for what they required."

Among all the names of the younger officers which had been sent home with honour, there was none more remarkable, as well for his gallantry as his philanthropy, than Lord West's, and in his evidence it was stated—

> "The deputy inspectors and staff surgeons of divisions appear to possess no power whatever. If, for instance, they send an indent to the Commissariat for straw for the patients to lie upon, or for carriage, it is most probably refused. The surgeon must then try to obtain these and similar things through another channel—through the commanding officer of the regiment, who refers it to the assistant quartermaster general of the division, who forwards it to the quartermaster general of the army. It is this perpetual travelling to and fro of requisitions from one department to another—the furnishing of some portion of hospital diet by the Commissariat, and another, including medical comforts, by the purveyor, that creates the delay and embarrassment prevailing at present. Unless the medical board is reconstructed on a basis of greater authority and independence as regards the procuring of carriage, of hospital accommodation, furniture, and utensils, and unless it is provided with an efficient staff of purveyors, clerks, and apothecaries, present on the spot where the army is encamped, or in quarters in the field, the unfortunate scenes of misery and destitution, and consequent loss of life, such as I have witnessed among the sick in the camp during the inclement weather of the last six weeks, will inevitably, under similar circumstances, again occur."

The story of these difficulties and defects had been written in letters of blood, to attract public attention to them, and Government had received many suggestions for the remedy of them; and he wanted to know what the Government had done? He would tell them what they had not done. They had not got any official documents, of any kind, from any of these hospitals in the East, since Parliament came together, and except the letters that had appeared from time to time from Dr. Hall, the whole of the past was a blank, so far as the official records of the Government were concerned. He had moved for those papers, and after a considerable time the return was laid upon the table of the House, and that return was, *nil.* If the present occupants of office were to quit their places, and take away, as they might if they chose to do so, the private letters they had received upon the subject, there would remain no official record of these hospitals except the vast expenditure incurred in the establishment of them. There was no authentic statement of the amount of disease there, of the climatic influences, or those of the site of the hospitals, of the nature of the wounds and sickness, of the patients sent there, of the number of deaths, or the causes of those deaths, or of the effect of the different seasons and months upon the condition of the inmates. Two rival systems of hospitals had now been established—he used the word rival not invidiously—those under the management of civilians, and those under military medical authority; but was there any concurrent jurisdiction to prevent the military authorities in the Crimea from sending, if they were so disposed, all the worst cases to the civil hospitals? The civil hospitals, too, were further from the Crimea than the military hospitals were, so that unless there were some concurrent jurisdiction—if the medical authorities in the Crimea were permitted to assign to which hospital the cargoes of unfortunate sick should be conveyed—no fair comparison could be instituted between the operation of the two hospitals, because those which were furthest from the seat of war would receive their patients under a disadvantage to which the others would not be liable. And suppose the military authorities determined to send no patients to the civil hospitals, and to give the civil surgeons no objects upon which to exercise their skill and benevolent attention, then the civil system would not have a fair trial, and the country would have spent there enormous sums of money in vain. There were important questions of situations and climate in comparing the different hospitals; and Scutari might be good for one kind of disease, and Smyrna might be better, as he believed it was, for another. He wanted to know the result of these costly experiments, which now, and as he thought wisely, the Government were trying. If the civil hospitals were at some disadvantage, on the other hand he believed the military hospitals felt themselves, in their relations to the commissariat, to be in a position of greater difficulty, and less assisted by the public funds so profusely expended. What was the position of the army surgeons? The first batch of civil surgeons were sent out at a remuneration of two guineas a day, and if the Government should cease to employ them at the end of the first year, they were to receive a year's pay as a gratuity, upon their return, which would make altogether about 1,600*l.* for a twelvemonth's service. For less than that sum, assuming them to be thirty or thirty-five years of age, one might buy an annuity of 80*l.* or 90*l.* a year for life. But the assistant army surgeon, who must not only have his diploma, but must also have been examined by the Army Medical Board, received 7*s.* 6*d.* a day for twenty-five years, at the end of which time he would have perhaps 200*l.* a year. Could we be surprised, therefore, that the assistant-surgeons were leaving the army, and seeking other occupation? The civil surgeons enjoyed the places which should be given to those young men who deserved promotion. The army surgeons were required to pass an examination; but what examination were the civil surgeons subjected to? Were they required to know something of medicine, as well as of surgery? There were now upwards of a hundred of these civil surgeons with the army in the East, and whether for good or evil, they were a new and a very important element in the service. How was it intended to deal with them, in relation to the army surgeons? or was it intended that there should be none but civil surgeons with the army? It was a singular fact that there was one hospital that was not even named in this Report. It was strange that while the hospital at Gallipoli, where he believed there were only some eleven patients last year, was mentioned in the Commission sent forth by the Duke of Newcastle, the hospital of Abydos, on the opposite side of the Dardanelles, was not mentioned in the instructions given to that Commission, and was therefore not visited by them; yet that was a hospital calculated to hold 400 soldiers, and as it was generally full, must have had thousands of soldiers passed through it within the last few months, although the House had not got any statistics or the slightest information about it. Luckily for the soldiers and for the service, that hospital had been under the direction of one of the most talented and influential medical men that he (Mr. Stafford) ever met, Dr. Jameson, who had been toiling through much discouragement to improve the condition of the poor men under his care, and had obtained their gratitude for his reward. What arrangement did the Government intend to make finally about the female nurses? Would nurses be sent out continually to supply the places of those who came home from failing health or other causes? In the hospital at Woolwich, with 350 patients, female nurses worked most satisfactorily, although the confined and insalubrious sites, both of that and of the General Hospital at Portsmouth, were very disadvantageous. There ought also to be some responsible officer employed to examine all the hospital ships, and report upon their state either to the Admiralty or War-office. He wished also to know whether the ships that conveyed home the sick and wounded were sufficiently under the control of the medical officers? Had those officers the power of stopping at different places on the voyage to procure fruit and vegetables when necessary, or were the sick officers and men looked upon as mere cargo, to be shipped straight to England? When they arrived, why should they not be accommodated in the vacant wards of Haslar Hospital? He protested against their being kept in the *Britannia*, or in any other vessel, for it was impossible to give sufficient ventilation, and soldiers hated being on shipboard worse than anything else. It was a great evil that men were regarded as making the transition from sickness to health too rapidly, and were sent upon hard service when only just recovered. Some place on the South Downs might be provided, where the convalescents might be restored to strength, and made fit to return to their duty, as they were anxious to do. He (Mr. Stafford), while he made these suggestions, acknowledged that the hon. Gentleman (Mr. Peel) and the War Office, as well as the Horse Guards, had received in the kindest spirit every suggestion he had made. Mr. Hawes and Lord Hardinge were most anxious for the welfare of the poorest soldier. The appointment of Dr. Storks to the Smyrna Hospital was a most satisfactory one, and if he were now to leave it, he would go, it was hoped, only to take the great charge of the hospital at Scutari. The hon. Member then spoke of the pattern management of two military hospitals in this metropolis—those of the Scots Fusiliers and the Coldstreams, under Dr. Richardson and Dr. Munro. It might be said, the hospitals of the household troops were not under the Inspector-General. This led him to ask, what was to be done with Dr. Andrew Smith? That gentleman was anxious to be relieved of a post of harassing anxiety, for which his age and weakness unfitted him. Why had not a successor been appointed? If not Dr. Guthrie, whose warnings were so disastrously neglected, some other man of energy to effect the needed reforms. He must also urge upon the Government that some mode should be devised of rewarding the army surgeons with special distinctions conferred for peculiar merit. Was it less honourable, he asked, to save life than to destroy it? And were not the men who encountered dangers as great as those of battle, in the attempt to mitigate the miseries of war, entitled to share the dignity of the combatant officers? He would bear testimony, as having conversed much with our private soldiers, to the sincere attachment which existed between them and their superiors in command. One poor fellow, whom he (Mr. Stafford) had known at Scutari, came to him the other day to bid him good bye, as he was returning to his native place, in the north of England, and said to him, "Well, Sir, I'm going home now, nothing but a poor cripple; but if I had my soldiering days to come over again, I would rather be in the camp than in the barrack; for in the camp we see more of our officers. Give me a gentleman to lead me, and I would follow him far and wide." Such were the feelings which these men entertained, and communicated to eager friends and relatives as they told the stories of the war. And though hon. Gentlemen in their clubs might require a new topic of conversation every week, it was not so with the people. They still thought and talked of our army in the East, looking eagerly for news of it, and sternly beholding its unnecessary sufferings. The most trying season was coming upon it, and there was nothing to rely upon but the skill of our medical officers. Let not the Government, therefore, neglect to secure that skill, and prefer to lose a life rather than acknowledge a mistake. Let them not be less jealous of the life of the soldiers who fought our battles, than they were of that of the felons who broke our laws. Better that official etiquette should be violated, and frivolous complaints attended to, than that one soldier should perish. In conclusion, the hon. Gentleman said he was going back to visit the hospitals, not in order to make out a case against the Government, or find materials for invective and recrimination; but as a friend, he hoped to be admitted to cheer the soldier's bedside. He felt this nation was responsible to Providence for a great waste of human life; and that all efforts should now be used to redeem it, lest an awful visitation should one day come upon us for the blood which was lost, and which better diligence would have saved. He concluded by moving for an—

"Address for Copies of any Reports from the Hospitals at Smyrna, Renkioi, Anydos, Kululeo, or Scutari:

"Returns from the Naval Hospital at Therapia; stating the number of Sailors admitted, the number discharged, and the number who have died; distinguishing the diseases and wounds:

"Copies of any Reports made by Sir John M'Neill or other Commissioners, in reference to the sanitary condition of the Camp in the Crimea:

"And, of any Communications on the health of the Army in the Crimea to the Commander in Chief from the Inspector General there."

MR. FREDERICK PEEL said, he would endeavour, as concisely as he could, to afford the information which the hon. Member asked, at least on the more important points. There were two prominent cases for which Dr. Hall had been held responsible—that of Mr. Stowe, and the case alluded to by "An Army Surgeon" in *The Times*. Certainly, when the hon. Member on a previous occasion asked him (Mr. F. Peel) a question with regard to Mr. Stowe, he understood the hon. Gentleman to insinuate that Dr. Hall had, in a most unfeeling manner and in a spirit of vindictiveness towards this Gentleman, refused to admit him into the military hospital, and he was therefore very glad to hear the hon. Member avow that he had received information which satisfied him that Dr. Hall was not chargeable with the conduct imputed to him in regard to Mr. Stowe. On the next point he could not allow that the hon. Gentleman deserved any credit for the way in which he had brought forward in this House the letter which appeared in *The Times* from "An Army Surgeon." He had stated to the hon. Gentleman that immediately on the appearance of that letter in the newspaper the Government thought it right to direct that an inquiry should be made in the Crimea before an impartial tribunal into the truth of the statements contained in it. This inquiry was now proceeding, and the result, when communicated to the Government, would undoubtedly be made public, but he was glad, in the meanwhile, that the result which he had looked for from the institution of this inquiry had been anticipated by testimony perfectly impartial, and to which no exception could be taken. A letter had appeared from two civil surgeons attached to the staff who were employed in attending to the wounded on the day of the action in question, and who were able, from their own personal knowledge, to declare that there never had been so gross an imposition upon the credulity of the public, or a statement so utterly at variance with what was really done by the surgeons for the benefit of the wounded soldiers on that occasion. The hon. Gentleman, in the next place, proceeded to refer to extracts from a great number of letters written by surgeons attached to regiments in the Crimea, which were to be found in the appendix to the Report of the Commission appointed by the Duke of Newcastle, and sent out to the Crimea at his instance. It appeared from those letters that at the time to which they referred there was a great deficiency of medical stores, medicines, medical comforts and hospital appliances—that the sick were treated in bell tents, and that they were altogether exposed to great privation in addition to the wounds and sickness from which they were suffering. Now, it had not been stated by the hon. Member with sufficient prominence that these Reports had reference to a time which had long passed by. Those letters represented a state of things which existed in the winter of last year, and he could hardly suppose that the hon. Gentleman desired to know from him whether that state of things remained the same at the present time. It was matter of notoriety that these scenes had long ceased to exist, that the sick were now lodged in hospital buildings which afforded perfect protection against the weather, and that there was an abundance of medicine, medical stores, and of every article which could possibly be required. The hon. Gentleman had referred to a statement by Dr. Anderson, which appeared to convey that Gentleman's impression that Dr. Hall had thrown difficulties in the way of obtaining the supplies he wanted; and, judging from this, the hon. Member's object was to leave on the House the impression that Dr. Hall was undeserving of the confidence placed in him by the Government. Now, Dr. Hall had not denied that at that time there was a deficiency of medical stores and of other articles; but the Commissioners themselves hesitated to declare that Dr. Hall was responsible for this deficiency; and when the House considered how much allowance ought to be made for the difficulties of transport, both by sea and by land, he thought it would be somewhat unjust to hold Dr. Hall wholly responsible for that state of things. The hon. Gentleman, in adverting to the course which the Government had taken in engaging civil surgeons, said that it had resulted in the creation of a rivalry between the civil and military surgeons; that the military surgeons complained of the civil surgeons receiving a much higher remuneration than themselves and that the civil surgeons complained of being unfairly treated by the military surgeons, in consequence of being placed under the control of a principal military medical officer. It was quite true that a large number of civil servants had been engaged by the Government, though the number mentioned by the hon. Gentleman probably included those who were serving with the army of Omar Pacha and the Turkish Contingent under General Vivian. No civil surgeons were employed in the field or in the general hospitals in the Crimea, or were mixed up with the military surgeons serving there; but they had been added to the medical staff at Smyrna, to the new hospital at Renkioi, and to the staff employed at one or more of the hospitals at Scutari. They had been employed simply because the military medical corps was insufficient to discharge the whole of the duties required from them, but it was quite untrue that the military medical corps had been in any way reduced, or that the military surgeons were quitting the service in disgust at the course which had been taken by the Government. The hon. Gentleman had drawn an invidious contrast between the pay of the civil and of the military surgeons. Undoubtedly the pay of the civil surgeons was very liberal; but the army surgeons had nothing to complain of, inasmuch as the pay of the civil surgeons included everything to which they were entitled, whereas the military surgeons received additional allowances in the shape of field and servants' allowances, which went far to place their pay on an equality with that received by the civil surgeons. Then, again, the services of the civil surgeon might be dispensed with at any moment, while the employment of the army surgeon was permanent. The hon. Gentleman had adverted to the small amount of labour which the civil surgeons had been called upon to perform, and had endeavoured to account for it by saying that the principal medical officer had an interest in sending the great bulk of cases to the military surgeons, and in withholding from the civil surgeons at Smyrna and elsewhere their fair proportion. The assumption of the hon. Gentleman was entirely erroneous. It was quite true that at present there was a very limited number of sick and wounded soldiers in the hospital at Smyrna, and so there was also at Scutari; the chief reason being that the health of the army was much better than it was anticipated some time ago that it would be, and if the Government had provided more surgeons than there were sick to treat, their error was upon the right side, and he hoped they would continue to be, as they had been of late, in advance of any emergency that might arise. It was confidently said at the beginning of the year that great and severe as the sickness had been in the winter it would be still greater when the hot weather set in. The Government had acted upon the assumption that such might be the case, but he was glad to say that their anticipations had been falsified. Cholera, though it had carried off many victims, might now be said to have disappeared, while the epidemics which occasionally showed themselves were kept under by the army surgeons. It would, however, be most unwise if they were to make no provision for any possible increase of sickness, and, therefore, they had endeavoured to supply hospital accommodation for any amount of sick likely to be thrown upon their hands even in the event of the army being compelled to pass another winter before Sebastopol. For his own part, he was inclined to believe that the fall of Sebastopol might occur before the winter set in. It must, however, be remembered that a similar anticipation was entertained last year, and that the Government, who too confidently expected the fall of Sebastopol before the arrival of winter, were much blamed for not having made provision for every possible contingency. They were anxious not to commit a similar error again, and they had therefore made provision for the army upon the supposition that it would have to pass another winter in the Crimea, and that sickness might prevail to a very great extent. It was with that object that great attention was being paid to the hospitals at Scutari, and that every improvement was being effected which could be suggested by the able men who had been sent from this country to the East for the express purpose of superintending any changes which it might be desirable to make. Dr. Sutherland, one of the Sanitary Commissioners recently sent out by the Government, in a report to Lord Panmure, dated July 17, said—

> "Having just returned from Constantinople, where I have inspected the hospitals at Scutari and Kululee, I lose no time in sending to your Lordship the following general report on their present condition. Speaking generally, the barrack and general hospitals at Scutari, and the greater part of the palace hospital and of the hospital at Kululee, in respect of their sanitary condition at the present season of the year, will bear a favourable comparison with any hospital establishments with which I am acquainted. There are no hospitals which cannot be improved by experience; and, no doubt, the hospitals at Scutari may be further improved; but, taking them as they are, I am justified in stating that the atmosphere within them is as pure as it is in any civil hospital I was ever in, and very much more pure than I have found it in most hospitals."

Thus it would be seen that as far as the hospitals at Scutari and Kululee were concerned, nothing could be more satisfactory. The hospital at Smyrna would afford accommodation for only 550 sick, although when the building was handed over to them by the Turkish Government it was intended to make arrangements for 2,000, and the hospital staff had been arranged accordingly. Therefore fifteen of the medical officers appointed to that hospital, would be transferred to the new hospital at Renkioi, which would accommodate 3,000 patients, and would be placed under the charge of civil surgeons. As there were now 2,500 beds vacant in the hospitals at Scutari, and there would be room for 3,000 patients at Renkioi, and for 400 at Smyrna, he thought ample provision had been made for any contingency which might arise. He might observe that Lord W. Paulet having been appointed to a command in the Crimea, Colonel Storks, the late commandant at Smyrna, where he had effected very valuable improvements in the hospital department, had been appointed to succeed Lord Paulet at Scutari. With regard to the nurses, he could only say that there was at present a sufficient number of nurses employed in the hospitals in the East, and it was not the intention of the Government to make any addition to that department. Great complaints had been made of the inefficiency of the orderlies who had been employed in attending upon the sick, and steps had consequently been taken to establish a corps of orderlies for service in the general hospitals. The number of the corps had for the present been fixed at 100, and a sufficient number of orderlies for ten hospitals would thus be obtained. The hon. Member for Northamptonshire had referred to Dr. Smith, and to the constitution of the army medical departments. He (Mr. F. Peel) had stated on a former occasion that Dr. Smith had applied for leave to retire from his post. The Government, recognising the justice of the application in consequence of Dr. Smith's long service, had complied with his request, and he now only held office until his successor was appointed. He (Mr. Peel) was unable to announce the name of his successor; but the matter was under consideration, and the vacancy would be filled up as soon as possible. With regard to the Army Medical Department, it was intended to introduce such reforms as would assimilate the constitution of the Board to that of the new Ordnance Department. Officers would be appointed who would be individually responsible for every distinct branch of the department—as, for instance, for the Purveyors' and the Apothecaries' Departments, and who would be responsible to a superior officer, who would exercise a general control. The public might rest assured that there would be good sense in the mode in which this branch of the duties of the war department would be conducted, and might place confidence in the capacity of the medical service to treat in a proper manner the sickness and wounds to which the army in the East might be subjected. With regard to the first paragraph of the Motion of the hon. Member for Northamptonshire, he (Mr. F. Peel) might observe that he had very recently laid upon the table returns relating to the hospitals in the East, and he had no objection to continue those returns. There was, he believed, no objection on the part of the Admiralty to furnish the returns for which the hon. Gentleman asked with respect to the naval hospital at Therapia. The hon. Gentleman also asked for the Reports of Sir J. M'Neill, and the other Commissioners who had been sent out to ascertain the sanitary condition of the camp in the Crimea. He (Mr. F. Peel) believed that no complete Report had been received on that subject, but the communications made to the Government by those Commissioners consisted of letters which had passed between themselves and the Commander in Chief, and which could not be produced; but when the Commissioners made a formal Report it should be laid before the House.

Colonel NORTH hoped the attention of the Government would be directed to the painful position of many officers of the army, who had arrived in this country from the seat of war sick and wounded. Some time ago he asked whether the Government had taken any steps towards hiring houses for the accommodation of such persons. They all knew that the pay of a subaltern officer was so small that it was quite impossible he could afford to hire lodgings in the metropolis, and yet such persons were obliged to reside there in order to obtain military attendance, gratis. He did hope that the subject would be taken into serious consideration by the Government, with the view of providing the requisite accommodation for a class of officers who were daily and hourly arriving from the Crimea.

Mr. STAFFORD observed that he had not stated he had received any complaints on the part of the civilian surgeons with regard to the rate of their pay. He regretted that the hon. Gentleman had not alluded to the state of the transport service, and that he had said nothing as to the intention of the Government to bestow any honours or decorations on the medical department of the army. He would strike out from his Motion that part of it which related to the Reports of Sir J. M'Neill.

Motion for the Returns, as amended, *agreed to.*

INDIAN FINANCE—EAST INDIA COMPANY'S REVENUE ACCOUNTS.

Ordered—

> "That the several Accounts and Papers which have been presented to the House in this Session of Parliament, relating to the Revenues of the East India Company, be referred to the consideration of a Committee of the whole House."

Matter *considered* in Committee.

Mr. VERNON SMITH rose to make the annual statement relative to the finances of India. He observed that he should have owed an ample apology to the House if the delay which had taken place, in bringing this statement before them was owing to any want of willingness on his part, or to any want of industry in the department to which he belonged. The reason of that delay must, he thought, be patent to the House; for it was clear that neither would the Government consent to postpone important business, nor would those who opposed them be willing to forego criticism of their measures in order that opportunity might be given for the introduction of such a subject as the present, which, though of immense importance, called for no immediate decision. His right hon. Friend who preceded him in the office which he had the honour to hold, informed the House last year that it was intended in future to make the statement at an earlier period than he was then able to bring it forward; but neither the pledge of the President of the Board of Control, nor the strong desire that existed in the department to fulfil that pledge, could obviate the difficulties that were interposed by Members of that House introducing Motions and measures which they were anxious to promote, or induce the Government to delay what was urgent public business. Nor could he hold out any hope that it would be possible to achieve an earlier introduction of the statement in future, for the same reasons that prevented it in this Session would prevent it in the next. The statement which he had to make, and which had received the misnomer of "a budget," differed very materially from the budget laid annually before that House with reference to this country. The occasion on which that budget was introduced was one of the most interesting that the House could witness. A statement was then presented of the probable revenue and expenditure of the ensuing year, and of the ways and means by which it was to be met; but that which he had to submit was a statement of past years, on which no vote of the House was or could be asked, unless they were prepared to rescind the whole constitution of India, and take up the discharge of duties hitherto left entirely to the Court of Directors. He was very far from deprecating such discussions as might arise on these occasions. They might be eminently useful both in this country and in India, and to no one more than to the individual who held the office which he now occupied; for he believed it was of far greater importance that the President of the Board of Control should hear the opinions of those who took an interest in the affairs of India than that they should hear his statement. Though it was difficult for him to produce this statement earlier in the Session, he nevertheless thought the accounts might be brought down to a much later period than they now were. The hon. Member for Manchester had given notice of a Motion to the effect that the accounts should be made up at the end of October, instead of at the end of April, and that the resolutions upon them should be made earlier in the Session. With regard to making up the accounts at the end of October, that could not be done without a derangement of the accounts of India as they were now kept in that country. Last year his right hon. Friend (Sir C. Wood) informed the House that he was anxious to accelerate the transmission of the accounts from India, and accordingly a despatch was framed calling on the Indian Government to send home the accounts at an earlier date. That despatch pointed out the fact that the accounts made up to the 30th of April, 1853, were accounts ending two years before, and that it was possible to give the returns a year later. Next year, therefore, he hoped they would be able to present the accounts up to a further period than heretofore had been done—that was to say, they would then be returned up to April, 1855. The effect, however, of the hon. Member for Manchester's proposal would be to put the accounts six months backwards instead of six months forward, as he intended, because it would be impossible for all the Presidencies to make up their accounts so as to be sent home for transmission previous to the time he proposed. He would now proceed to make to the House a statement similar to that made by his right hon. Friend (Sir C. Wood) last year. The accounts which he had to produce were for 1852–53, and when he did so, he was perfectly well aware that to produce accounts in 1855 which terminated in 1853 could not be very satisfactory to the House. The right hon. Gentleman then proceeded to read the following statement, according to the precedent of last year, which he said had been accepted with satisfaction by the House, although an interval of nearly fifty years had elapsed since similar Resolutions had been proposed.

INDIAN FINANCE—1852–53.

I. BENGAL:—	
Net revenue	£8,158,809
Local charges	2,037,561
Local surplus...	6,121,248
NORTH-WESTERN PROVINCES:—	
Revenue	5,636,369
Local charges ...	1,362,030
Local surplus... ...	4,274,339
Military charges of Bengal and North-Western Provinces...	5,607,866
Net revenue of ditto... ...	13,795,178
Charges of ditto	9,007,457
Surplus available for general purposes of India... ...	4,787,721
II. MADRAS:—	
Net revenue	3,727,536
Charges	3,268,578
Surplus available for general purposes of India... ...	458,958
III. BOMBAY:—	
Net revenue	2,828,565
Charges	2,941,528
Deficit...	112,963

Total revenues of the several Presidencies...	20,351,279
Total charges of ditto	15,217,563
Total surplus of ditto	5,133,716
Interest on Indian debt	2,011,971
Charges defrayed in England ...	2,697,488
Total charges on Indian revenues	4,709,459
Surplus of income over expenditure	£424,257

As last year was the first in which a statement was presented to this House in sterling money and made out in the form prescribed by the President of the Board, it was not possible to give any comparison of that and former years; but now that we had the advantage of one year's experience, he proposed to read to the House a comparison of the actual result of 1852–53, with the estimate of 1854–55.

Comparison of Estimate for 1854–55, with Actual Result of 1852–53.

REVENUE.

	Increase.	Decrease.	
1. Ordinary :—			
Land revenue		£278,807	
Customs		76,473	
Salt	£145,727		
Opium		448,540	
Tobacco (abolished 1853)		59,215	
Post Office		12,171	
Stamps	18,955		
Mint		63,778	
Marine and pilotage	14,453		
Judicial fees and fines	14,570		
Revenue of Straits settlements	9,149		
Revenue of Coorg	484		
Revenue of Nagpore...	381,413		
Revenue of Pegue, &c.	216,759		
Sale of presents		10,824	
Interest on arrears	14,998		
Miscellaneous...	8,608		
2. Other Receipts :—			
Proceeds of estates administered by late Registrar General		11,261	
Proceeds of assets of late Government of the Punjab	1,333		
Gain by exchanges		91,625	
Total	£826,449	£1,052,694	
Net decrease of revenue			£226,245
Net increase of expenditure			2,868,530
Deterioration of 1854–55, as compared with 1852–53			£3,094,775
Excess of income over expenditure, 1852–53 ...	424,257		
Excess of expenditure over income, 1854–55 ...	2,670,518		
			£3,094,775

EXPENDITURE.

	Increase.	Decrease.
1. Payments in Realisation of Revenue :—		
Charges of collection, &c.	£438,518	
Allowances out of revenue by treaty	24,838	
Sinking fund—Tanjore	768	
Allowances to village officers, Enamdars, &c. ...	19,982	
Charges of collection—Nagpore	206,098	
Charges of collection—Pegu, &c.	203,728	
Payments to claimants on Registrar General ...	7,031	
2. Charges in India :—		
Civil and political	86,027	
Judicial and police	39,469	
Public works, buildings, &c....	969,024	
Military	918,986	
Marine, Indian navy, &c.	50,646	
Charges of Straits settlements	3,972	
Mint		£5,217
Interest on debt		412,282
3. Charges in England :—		
Dividends on East India Stock		5,736
Interest on home debt	36,009	
Steam communication with India	51,917	
Ditto for extended communication to Her Majesty's Government		35,000

Transport of troops and stores	£51,699		
Furlough and retired military pay	62,418		
Ditto marine ditto	3,893		
Her Majesty's troops in India	46,203		
Retiring pensions, &c. of Her Majesty's troops ...		£15,000	
Charges—general (home establishment, &c.) ...	45,457		
Absentee allowances to civil servants	6,823		
Annuities of Madras Civil Service Fund		3,101	
Retiring pay—St. Helena establishment		1,355	
Establishment in China		15,558	
Expense of transportation of convicts		5,401	
Arms to Her Majesty's troops going to India ...	6,240		
Invoice of stores	87,334		
Total	£3,367,180	£498,650	
Net increase of expenditure			£2,868,530

This increase in the expenditure caused a serious and disagreeable deficiency in the revenue of India, but he was bound to point out to the House that this had chiefly been caused by the expenditure which had been made at the instigation of this country on public works. He did not think that the House of Commons could possibly refuse its assent to these payments for public works which would prove so beneficial to the people of India. In the year 1852–53 they were in much more pleasant grounds than at present; they were then in the regions of surplus, but they were now in the dismal walks of deficiency. If this deficiency had been caused by the expenditure on improvements, he did not think that the House ought to regret it, but ought to consider calmly and dispassionately how they could meet the difficulty. Last year, when his right hon. Friend (Sir C. Wood) made his statement, he went through the items of revenue from which he said he could not hope to derive an increase—and the first item to which he referred was that of the land revenue. He (Mr. Vernon Smith) entertained the same opinion with respect to this source of revenue as his right hon. Friend; for it must be remembered that the land revenue was a fixed sum in most of the Presidencies, and it would be difficult to increase it. He could not, however, help hoping that the almost immediate effect of a reduction (for by a reduction we must begin any alteration) would be an augmentation of revenue from the facility of collection. The accounts which had lately been received from India corroborated him in this expectation, which was also confirmed by Mr. Maltby (the experienced collector of revenue at Madras) who, in a Report, stated that the cultivation of waste lands might lead to a considerable increase of revenue, and Lord Harris had embodied this idea in an able Minute. He said that nothing could be more miserable than the want of cultivation of those lands, but he was perfectly prepared to devote himself to improvements which would produce abundance, and he hoped that a time would come when, so far from their losing by a diminution of taxation, the Government of India would gain considerably by it. That was a most cheerful statement, and it did give one very great hope that, instead of a deficiency, they might look forward for an increased revenue, and with it increased happiness for the people of India. The next great item was opium. That was to a certain extent a precarious source of revenue, because it depended upon the capricious taste of a large portion of mankind; but, as that taste had lasted for many years, they might suppose that it would last for many years more, and that when the war in China should cease, the revenue on that article would spring up as suddenly as it did in the year 1852–53, when there was an increase of nearly 700,000*l.* instead of a diminution of 448,840*l.*, which he had stated that night. The next great source of revenue in India was that derived from salt. That portion of the revenue had increased by 145,727*l.* He informed his right hon. Friend the Member for Droitwich the other day, that he had not received the Report on the question of salt, and therefore could not make any statement on that head. It was a question of much difficulty and embarrassment. No doubt, if any substitute could be devised for it, the East India Company would be willing to look in a friendly spirit on any suggestion that might be made. Efforts had been made to levy the excise upon salt by contract, but difficulties had been found in the way of adopting any such plan. When the Report on that subject should be received, it would be duly considered by the Government. And in answer to any insinuation that it had been purposely suppressed, he would say that he had written to Lord Dalhousie on this head, and been told by his Lordship, that he was as anxious as himself on the subject, and if any such charge could be made out against any officer of the Government, he (Mr. Vernon Smith) would take care that he did not escape punishment. The next head of Indian revenue was the Customs. If it were possible to make experiments, in the present state of things, in the Indian revenue, he should be disposed to choose the Customs duty for that purpose, because he believed it would ultimately lead to improvements in India. It should be remembered that the system of free trade was carried in this country under the shelter of the income tax; but he did not know of any tax capable of being laid on in India to cover the risk. There had been schemes laid before him for that purpose, one of which was to increase the tax upon salt. He certainly could not venture, sitting opposite to the Member for Droitwich, to introduce a proposition of that kind; but the very suggestion only showed how extremely difficult it was to carry on a system of free trade without some such shelter as an income tax. No such thing could be done in India at present. If the experiment were ever to be tried, it must be in years of increasing revenue, and not by the substitution of equally objectionable taxation. He had now gone through the principal items of revenue in India, and although there had been a considerable falling off in the amount of the surplus revenue over the expenditure, he did not think the House ought to entertain the least feeling of despair as to its stability at its present rate, although it might not indulge in any great enthusiasm as to its future increase. He could not conclude this portion of the subject without alluding to the system of railways now going on in India from which great expectations might reasonably be entertained. There were strong hopes that iron would be found throughout the northern parts of India. There was a great abundance of wood, and if, as it was strongly believed, there existed coal in that country, it was impossible to say to what extent railways might not be carried, and the means of the country improved. He would now call the attention of the Committee to the expenditure of India. The first great item of expenditure was for the support of the army. He did not suppose that any one would propose to reduce the Indian army. It appeared to him to be impossible. It would, of course, be very desirable in a time of peace, that such a reduction should take place, but at present it would not be the act of a statesman to make it. It was, however, something to say, that you had such an army at your service if you required it. Was it not something to feel, that if you should fail in enlisting an army in this country, there were 320,000 men in the East Indies on whom you might rely for aid, should you be pressed for their services? You might send irregular cavalry to the Cape of Good Hope, where some of their officers had already been sent, and had worked well; or you might even send them to the Crimea, for which service many of the officers had also volunteered in the most gallant manner. It was, indeed, something to say and to feel that the officers of one of the noblest and finest armies in the world had already engaged in a war for which they were not enlisted, and were ready to lead their men wherever their services might be required. Therefore, we should not do wisely if we for a moment listened to a proposal for the reduction of that army. He might say, perhaps with not unpardonable pride, that the changing the Commissions, which was a measure he induced the Commander in Chief to lay before Her Majesty, and in which Her Majesty graciously acquiesced, had already allayed the only irritation which formerly existed among the officers of the Indian army. The next head of expenditure was the judicial establishments and public works. The former came under the notice of the Committee which sat upon Indian affairs in 1853, but since that time the expense of that establishment had been increased by the sum of 39,469*l.* That was a sum which the House would not complain of, provided the money was expended on real improvements. With regard to public works, the responsibility of the increased expense rested very much with the House of Commons. It was certainly not incurred before needed. The right hon. Gentleman then quoted the following extracts from the Minute of Lord Dalhousie, dated the 26th of April, 1854, with regard to the roads in Bengal:—

> "Among the many imperfections and shortcomings which from time to time it has been my duty to notice in the local Administration of Bengal, the state of the public communications of the province is the most glaring, the most widely felt, and the most injurious to the material prosperity as well of the Government as of the

> people. It must be added that it is the one of all others most difficult to remedy, from the enormous expenditure of public money which any thorough remedy must infallibly involve. . . . From a note prepared by Mr. Beadon, the Secretary to the Government, it appears that of 3,227 miles of main lines of communication which are described as urgently reqired, from seventy to ninety are finished and metalled—that there is a tolerably good fair-weather road with bridges over small streams for 774 miles—that there is a bad road without any bridges at all for about 438, and that for the 1,925 remaining miles, there is ‘either no road at all or nothing deserving a better name than a footpath.’ Since this note was written something has been done ; a fair-weather road with bridges has been undertaken between Akyab and Dacca, and it will be opened and fit for use within a short time. Measures have also been taken to put in hand the very difficult and important line of road between Dacca and Calcutta ; but of these measures only the preliminary stages have yet been reached. In fact, the great mass of public communications described by Mr. Beadon as pressingly needed remains still untouched.”

That Report and the arguments used were in favour of the acceleration of public works, and he did not wonder that the House took up the question as they did two years ago. But it is right they should bear in mind, in pursuit of this useful object, the enormous expense they must incur, and to guide their judgment he referred them to a minute of Mr. J. P. Grant's already presented to Parliament. The next promise held out by his right hon. Friend for reduction was one which he was sorry to say had not succeeded altogether in the manner anticipated—that was, the reduction of the interest upon the debt. It was well known that that reduction had been checked by a loan which it was found necessary to raise last March. He was not bound to enter into a detailed defence of that transaction, but he had laid before the House all the papers that could explain the necessity of that loan. He did not think that those who had suffered by the reduction of the interest had more reason to complain than those who suffered by the reduction of interest upon the debt of this country. As regarded the conduct of the Court of Directors, they had taken such steps as they thought advisable to meet the difficulty, and had sent out a despatch stating that though they usually drew about 4,000,000*l.*, they would not draw this year more than 2,500,000*l.*, while they informed the Indian Government that they might draw upon them for 500,000*l.*, and they had taken the step of raising the rate of exchange in order to prevent further financial embarrassments from too many bills being drawn upon India. He could not conceive, therefore, that there had been any neglect upon account of that transaction, and although it was true that the accounts of some gentlemen lately returned from India were of a complaining character, yet others had freely observed that they did not think the Government could have acted otherwise than they had done. The result of the operation of the reduction of the debt, as given by Mr. Lushington, was as follows—

> “Five per cent paper advertised for discharge or conversion in India, 24.88.19.113 rupees ; of which there had been converted 20.07.84.345 ; paid in cash, 3.77.44.487 ; making a total of 23.85.28.832, and leaving still outstanding 1.02.90.281. But the sum paid in cash—namely, 3.77.44.487, was met by an actual but not direct transfer, in the shape of new cash subscriptions to the 4 per cent loan, for 3.40.85.376, leaving a balance of cash to be paid, 3.6.59.111 ; and, again, of the outstanding 5 per cent debt—namely, 1.02.90.281, it was estimated that there would certainly be presented for transfer, 32.59.144, leaving 74.31.137, which, together with balance, above, paid in cash, 36.59.111, left 106.90.248, as the amount taken from the cash otherwise available for the purposes of Government, while the saving of annual interest payable was 25.74.946. The cash balances when these operations began were—30th of April, 1853, 15.43.91.350 ; 30th of April, 1854, 13.97.15.822, leaving still nearly fourteen crores available or three crores more than, according to the largest Estimate, were required for carrying on the public service. This review will, it is hoped, sufficiently show that the operations for the reduction of the Indian debt were fully justified and were carried out without in any way embarrassing the Indian Exchequer. If the increased demands on the Indian Government, arising from a large expenditure in public works, accompanied by a deficiency of revenue from the sale of opium and also bad harvests, have obliged the Government of India again to appear as borrowers in the market, this can be no reproach on the prudent measures adopted under more favourable circumstances for relieving the charge for interest on the Indian debt by upwards of 250,000*l.* per annum. Fortunately these measures enable fresh debt to be incurred without increasing the burden which previous to the conversion of the 5 per cents rested on the Indian revenues. If, moreover, the Government of India are obliged when money is dearer to pay a higher price for it, it may be urged in reply that, to expect a contrary result would be absurd. The grounds upon which the new 5 per cent ‘public works loan, 1854, 1855’ has been opened are fully explained in the minutes of the Members of Council, especially in that of Mr. Grant. The amount is fixed at 2.75.00.000 rupees, not repayable before the 31st of March, 1870, after three months' notice. The interest on the above will amount at 5 per cent to 13.75.000 rupees, being little more than half that which was saved by the preceding operations.”

They were, therefore, still entitled to consider that there was a diminution of the interest of debt in spite of the loan. Various opinions might be entertained upon these transactions as they regarded the public; but it was impossible to suppose that his right hon. Friend would not take advantage of that opportunity of reducing the interest of the debt, and it would have been unjustifiable if he had acted otherwise. The difficulty that had arisen was partly owing to the alterations in the money market, and partly to the increased demand for public works. The state of the revenue involved the necessity of carefully considering whether they could reduce the expenditure, and Mr. Grant submitted to the directors whether the cash balance kept in India was not beyond what it was necessary to retain for the service of the Government. He believed Lord Ellenborough had said that they ought to retain a cash balance of 10,000,000*l.*, but Mr. Grant appeared to think 8,000,000*l.* too large. That was a matter that was well worthy the serious consideration of the Court. The necessity for economy existed to the utmost extent in India, and the Court of Directors were fully alive to that necessity. Accordingly a despatch, which passed the Court on the 27th of June last, contained a strong recommendation that no delay should take place in the general revision of the salaries of all civil appointments in the Presidencies of Bengal, Madras, and Bombay, as well as in other provinces, and that the principle adopted should be, that where the duties were similar the salaries should be the same. But the raising of the lower salaries to the highest grade must be avoided. In 1828, when Lord William Bentinck was in India, a similar despatch was sent, and in two years his Lordship reduced the deficit from 3.151.144 to 997.269, and it was worthy of consideration whether a similar course could not now be pursued, although, of course, we could not anticipate another reduction to a similar extent, especially in the army expenditure. Having stated to the House what the amount of the revenue would probably be and what the expenditure was, it would be hardly necessary to say that he did not think it possible to effect any considerable reduction in taxation, however desirable such a course might be. The large expenditure upon public works must not be considered as absolute loss, but rather as profitable investment, for there could be no doubt that the improvement of irrigation and the supply of other deficiencies in India would eventually tend to the increase of the revenue. He turned with great pleasure from the state of the revenue, which was not quite so satisfactory as any one in his position would like to see it, to the brilliant political position of India. He had been assured by Lord Dalhousie that the most perfect peace and tranquillity prevailed throughout the whole of India. Pacific relations existed with the King of Ava, and he had received repeated assurances from the Governor General that there should be no further extension of conquest in that direction. Since last year a treaty had been effected with Cabul, which the Governor General considered would materially improve and strengthen our position among the native princes of India, and would otherwise prove of considerable advantage to our Government in the East. The Nepaulese Government had also exhibited a friendly spirit. With regard to Persia, although we had diplomatists there, the difficulty was, that Russian agents and diplomatists were so accustomed to indulge in Eastern imagination, that it was no easy task for the British Minister to cope with them; and the Russian Minister promised so much more than he could perform that the Shah of Persia could scarcely be expected to believe that the English Minister would perform more than he could promise. There was no difficulty, however, of a serious nature in that direction. With regard to Khiva, it might be gratifying to the House to hear that the Commissioner in that part of the country described the Russian power as having been reduced by the war in Europe to an unusual degree of weakness and inactivity. He should not have thought it necessary to mention this circumstance except that he had heard from recent visitors to France, that it was said there that England had a peculiar interest in the war in Europe because of the fear of Russian aggression in India. He looked upon that as a perfectly groundless fear, and he certainly had never been afflicted with what was called the Russo-phobia. He remembered that during the Affghan war that fear was constantly expressed; but he did not believe that there was the slightest probability of the Russians ever being able to carry a great commissariat against that country, and he was convinced that if ever they approached that empire they would be certain to be defeated. Since last year he was happy to state that the Indian navy had been in the course of improvement by the addition of the Bengal marine to it. He hoped that that service would become a more efficient arm than it had hitherto been, and that his right hon. Friend the First Lord of the Admiralty might be able, before long, to withdraw some portion of the Queen's ships from those seas. With regard to the domestic progress in India, he would read a brief enumeration of the works which were now being proceeded with. Writing upon the 9th of March, Mr. Grant said—

> " I can name as first class works all in actual progress at this moment :—The main lines and the subsidiary works of the Great Ganges Canal ; the great improvement and partial remaking of one of the old Jumna Canals ; the Great Baree Doab Canal in the Punjab ; the Great Peshawur road in the Punjab ; a complete system of secondary roads in the Punjab ; the great branch road from the trunk road through Gyah to Patna ; the new Damoodah embankments ; the new navigation canal from the Salt-water Lake to the Hooghly ; the Chittagong and Arracan road ; the great road across the mountains in a straight line from Prome to the seacoast ; the Godavery Annicut irrigation system ; the Kristna Annicut irrigation system ; the improvement of the internal water communication and harbours on the Madras coast ; many great roads in Bombay ; two complete systems of roads in Scinde, one on either side of the Indus ; and the completion of the telegraph in India and Pegu."

With regard to railways, it appeared—

> " That the East Indian Railway was sanctioned as far as Delhi, 990 miles, and contracted for as far as Allahabad, 590 miles, and was to be completed by the end of the year 1856 ; it was opened as far as Raneegunge, fifty-six miles from the Calcutta and Delhi line, near Burdwan, and distant from Calcutta 125 miles ; the works on the line from Calcutta to Rajmahal, on the Ganges, were in a very forward state as far as the More river, a distance of sixty miles from the Raneegunge and Burdwan junction ; the rate of interest guaranteed by the East India Company upon 4,000,000*l*. of capital is 5 per cent. The Great Indian Peninsular Railway (North-Eastern Extension) was sanctioned to Shawpore, on the Thull Ghat Road ; it was opened to Callian, thirty-five miles from Bombay ; and contracted for and ready for opening as far as Wasindree, about twelve miles beyond Callian. The South-eastern Extension, which was to diverge from Callian, was sanctioned to Poonah, eighty-five miles ; and contracted for to Campoolie, at the foot of the Bhore Ghat ; the rate of interest guaranteed was 5 per cent. on 1,000,000*l*. of capital. No part of the Madras Railway was yet opened, but the line from Madras, which was to diverge to the north-west to Bellary, in the direction of Bombay, was surveyed and partly set out ; the line from Madras to the south-west was set out in its whole extent to Beypore on the western or Malabar Coast ; it was difficult to ascertain the precise state of the works, as they were in course of construction by the railway engineers themselves, but Major Pears expected that the line to the western coast would be open for traffic by the close of the present year ; the first part of the works on the line towards Bombay were also in a forward state ; the rate of interest guaranteed was 4½ per cent on 500,000*l*., 5 per cent on 500,000*l*. more. and 4¾ per cent on 1,000,000*l*. The Scinde Railway was sanctioned from the harbour of Kurrachee to the Indus, at or near to Jurruck, a distance of 110 miles ; the Company was at present engaged in collecting capital and prosecuting the necessary surveys ; the rate of interest guaranteed was 5 per cent on 500,000*l*. The Baroda and Central India Railway was sanctioned from Surat to Baroda, and thence to Ahmedabad, a distance of 163 miles ; the Company was also at present engaged in collecting capital and completing their surveys, previously to the commencement of the works ; the rate of interest guaranteed was 5 per cent on 500,000*l*."

In speaking of those railways, he must say that they were excellent efforts on the part of the public to improve the internal condition of India, but their construction would be attended with considerable expense, and he thought that if, in the origin, more attention had been paid to the centralisation of existing companies, and to uniformity of action, some of that expense might have been spared. But that was past, and could not now be remedied. Owing to the vigour and activity of Dr. O'Shaughnessy, the electric telegraph had been extended to Pegu, which would complete the telegraphic communication throughout the whole of the Company's dominions. The whole length of telegraph now is 3,500 miles, and the expense has been 30*l*. per mile. There had also been submitted to the Company by Mr. Gisborne, a gentleman of great skill and activity, a scheme for carrying the electric telegraph from this country to India. Mr. Gisborne had nearly completed his plan, and was said to have obtained the requisite assents so far as Alexandria. He looked upon this as one of the most remarkable events which had characterised our times. His right hon. Friend the First Lord of the Admiralty had told the House last year that he hoped to be able, in the course of the present Session, to lay upon the table a Bill for providing for civil and criminal procedure in India. He (Mr. Vernon Smith) was sorry to say that, whether from the delays or difficulties attendant on the subject, or from circumstances over which they had no control, the Law Commissioners had been unable hitherto to achieve this great work ; but he had brought in a measure which had been strongly recommended by the Commissioners to whom the matter of the civil and criminal procedure had been referred, the effect of which would be to give two resident

Judges instead of the present migratory Judge, to the inhabitants of the Straits' settlements. He could not, on the present occasion, omit noticing the very remarkable Report of a Commission, which had been appointed upon the suggestion of his right hon. Friend, to inquire into the truth of the allegation that a system of torture existed in India. It was impossible to deny that in the Madras Presidency a practice of resorting to the infliction of personal pain in order to compel the payment of rent due, or in order to extort a confession of guilt, had been in existence. He himself could not conceive anything more abhorrent to the notions of an Englishman than such a system, and it did not appear that any European had ever put it into practice. He was not prepared to say that some of the European officials were entirely free from blame, for it was their duty not to overlook such a practice, and the man who overlooked an act of that description was almost as culpable as the perpetrator of it. These atrocities were brought to light by the exertions of his hon. Friend the Member for Poole, and in his opinion it was undoubtedly the duty of the officials in India to inform the Home Government of the existence of such practices; nor could they be acquitted of blame on the score of ignorance, because these acts of barbarity had been brought to their notice, and, by overlooking them and not suppressing them, they became, to a certain extent, *participes criminis.* The remedy suggested by the Commissioners was an infusion of English officers, more stringent laws of punishment, and the peremptory dismissal of the offenders. The Report concluded by expressing a hope that this matter would not be allowed to sleep; and he could assure the House that as long as he continued to hold the office which he had the honour of filling, the question should not sleep, for such a system was so opposed to all the ideas of an Englishman that it must be totally abolished. He would now turn to a subject which had assumed the shape of novelty this Session, although it had often occupied the attention of Statesmen, and that was what had recently been denominated Administrative Reform. By the Act of 1853 the civil service of India had been thrown open to public competition among all British-born subjects, and the examination was fixed to take place in the present year, and when he took office he found that it was expected to be held in July. He had therefore felt it to be his duty to appoint as examiners the persons whom he could obtain, who appeared to him from their acquirements to be best adapted for the task, and he was gratified to think that, generally speaking, the selection which he had made had obtained the approbation of the public. The number of candidates who offered themselves for examination was 113. They drew lots for a number by which each should distinguish his papers, and by that number only were they known to the examiners. Of those candidates there came from Cambridge University 32, Oxford 19, London 6, King's College 2, Harrow School 1, other schools 13; Trinity College, Dublin, 14; Queen's College, Cork, 5; Queen's College, Galway, 2; other Irish schools 2; Scotch Universities and Colleges 12; other Scotch 3; and two more educated abroad. The examination lasted for twelve days, and the numbers of the successful candidates were from Oxford 8; Cambridge 6; London University 2; King's College, London, 1; Queen's College, Cork, 1; Queen's College, Galway, 1; Edinburgh University 1; making a total of 20. The highest of the candidates obtained, 2,254 marks; and the London University claimed him as her *alumnus.* The lowest of the successful candidates had 1,120. The three best English scholars had been elected; the seven best classical scholars; the two best in modern foreign languages; the best in natural science; and two of the best in moral science (three were equal); but not the best, nor the second, in mathematics. In English history 98 gave in papers, 99 in English literature, 105 in English composition; 91 translated Latin, 83 Greek, 63 French, 14 German, 9 Italian, 1 Arabic, 1 Sanscrit; 73 tried to answer the first mathematical paper, but 14 only the fourth; 58 were examined in moral science; and 28 in natural science. The examiners appeared not to be favourably disposed to holding a *vivâ voce* examination; but he, for his own part, looked upon an examination of that description as the best test of the moral qualities of readiness and self-possession. The result, on the whole, was very satisfactory. The examination itself was most interesting; he could not imagine a more stirring spectacle than that of a body of young men launched upon such a life as they had before them, away from home, and friends and relations, entering on an arduous struggle in a far distant land, leaning on no interest, but dependent only on their own exertions for success—

> " God guard them, and God guide them on their way,
> Young warrior Pilgrims! who set forth that day!"

There was another subject to which he would refer, and that was the education of the people of India themselves. His right hon. Friend (Sir C. Wood) had told the House last year that he had sent out a despatch in July, 1854, establishing a fresh system of education; and, as it would, perhaps, be interesting to notice what had since been done, he would read to the Committee a memorandum on the present progress of education in India—

> "Measures have recently been adopted in India to give effect to the Court's order of July 19, 1854. The whole educational department in each presidency is to be under one head—the Director of Public Instruction, with about six inspectors under him; and a Committee has been appointed to prepare an uniform scheme for the establishment of an University at each of the three Presidency towns of Calcutta, Madras, and Bombay. Nothing has been said about the Straits settlements, but they are to be included in the new arrangements for Bengal."

There were other schemes of public improvement to which various Members of this House had alluded on other occasions, and which he might mention before he sat down; one regarded the navigation of the Godavery—this was now being attended to. There were great difficulties attending it, but it appeared to him that the navigation of that river was a subject of great importance, and he hoped what was now doing would be attended with success. Then, as to the Nerbudda, he was not able to state whether it would be practicable to carry out a scheme for the navigation of that river; but there would be no hesitation on the part of the Government of India in carrying into execution any plan which was thought likely to accomplish such a desirable object. Great agitation existed at a meeting at Madras, with regard to what was called the "double government." He was, at the passing of the Act of 1853, favourable to that system; and his opinion had undergone no change since he had taken the office he now held. It might be said that a man of small energy, in the position of President of the Board of Control, would be inclined to lean too much upon the Board of Directors; and he quite admitted, besides, that some anomalies existed in the working of the system; but, on the other hand, it was productive of much good. The latest instances of the advantage resulting from the system was to be found in the selection of the Governor General of India. If he alone had been intrusted with the selection of this high functionary he should not have shrunk from incurring so much responsibility as he had not from making so difficult a choice. It was, however, a great point to have the concurrence of gentlemen belonging to the Board of Directors, who, from their knowledge of the wants of India, were perfectly competent to form an opinion on the subject; and the result had been that a Governor General had been selected to whose administration he believed they might look forward with confidence. The power intrusted to the Governor General of India was, disguise it as you might, as nearly absolute as any which could be confided to man; but he believed his noble Friend would exercise that power, not for the increase of British supremacy by adding to our territory, but with a view to effect every possible improvement, and to develope in every way the material resources of the country and the energies of the people. To that effort his noble Friend would be incited both by his own sound sense and by the recollection of the name he bore. He hoped his noble Friend would reflect, as his illustrious parent did, when selected to fill the same appointment, that, while he was intrusted with an administration almost arbitrary, and with a power to a great degree discretionary, yet at the same time his name in this country was associated with rational liberty, with the independence of a free Government and the institutions of a free people. The right hon. Gentleman concluded by moving formal Resolutions founded upon his statement of the Revenues of the several Presidencies and the Charges thereon.

Mr. BRIGHT did not rise either for the purpose of replying at length to the speech of the right hon. Gentleman or of condemning anything he had done as President of the Board of Control. The speech of the right hon. Gentleman seemed to him more than commonly interesting, and it had been delivered in a manner which the House would know how to appreciate. He began by explaining how it was this great question was brought forward for discussion at this period of the Session, and here the right hon. Gentleman's argument was inconclusive, for surely the Government could, without much difficulty, fix a day for the discussion of Indian affairs earlier in the year. There were many hon. Members who believed that a full discussion upon this question would be highly advantageous to the public, and he trusted that the right hon. Gentleman, if he happened to hold office this time next year—though he could hardly say he hoped the right hon. Gentleman would—would take an opportunity of introducing the question at an earlier period in the Session. He (Mr. Bright) believed that it was Sir Robert Peel who pointed out, in one of his great speeches upon the finance of the country, that ultimately, whatever calamity might fall upon the finances of India must be felt by the finances of this country. In India, probably more than in any other country, the question of finance lay at the foundation of all prosperity and progress, and the House might rely upon it that if they were wrong with regard to Indian finance they would be wrong with regard to almost every other question that affected India. He could not help thinking that, instead of holding out a hope of improvement, the future promised to bring them into still greater difficulty than at present with respect to this particular department; and, believing that one object of the discussion was to afford an opportunity for bringing public opinion to bear upon Indian politics, he wished to call the attention of the House to some statements of a somewhat contradictory nature that had fallen from the right hon. Gentleman. The subject, however, was so confused and perplexed that it was hardly possible for any two men to enter into an examination of it, and come out of the examination with the same results. The right hon. Gentleman had alluded to the statement of his predecessor in the office which he held with regard to the state of the revenue of India at the end of the year 1853. In the year 1853 the House discussed the Company's new Act, and a Committee sat upstairs to inquire into the general question of Indian Government. At the end of April, 1853, the cash balances were represented to be 14,400,000*l.*; in June, in the same year, they rose to 17,800,000*l.*; in July they fell to 16,900,000*l.*; and in October they fell to 12,800,000*l.*— thus showing a rise of 3,000,000*l.* from April to June, a fall of about 1,000,000*l.* in July, and a fall from June to October of 5,000,000*l.* In July, when the balances had fallen to the extent of 1,000,000*l.*, the Government determined upon the conversion of the 5 per cent loan. This conversion had been going on for some months, and in October, when the balances had fallen to 12,800,000*l.*, the Government opened a 3½ per cent loan, with the view, according to the Indian papers, of creating an impression that the Government would require no money for a long time, and that no country was in so prosperous a condition with regard to its finances as India. Two years later—in April, 1855—the cash balances, which stood at 14,400,000*l.* in April, 1853, and 17,800,000*l.* in June, had fallen to 7,800,000*l.*, and, finding themselves hastening to the verge of bankruptcy, the Government announced a new loan at 5 per cent, with a guarantee of fifteen years. With such facts as these before him, he was driven to the conclusion that there had not been fairness and scarcely common honesty on the part of the Government of India in dealing with the public upon this matter. It would seem that some great effort was made in 1853 to exhibit the revenue in a very prosperous light; but such a course could only tend ultimately to embarrass the Government. The large balance that existed in July, when the conversion of the loan began, was altogether of a temporary character. and its existence merely acted as a deception upon the Indian public. It was curious to remark, that in India it appeared to have been believed, not that the balances of 17,000,000*l.* in June, and 14,000,000*l.* in April, were sums of money in the treasuries of India for the payment of the current expenses of the Government, but that they were large sums of money lying idle, which the Government possessed beyond the amount required for conducting the ordinary business of the country. The hon. Member for Guildford (Mr. Mangles) shook his head, but the hon. Gentleman would not deny that there existed an impression in the country that the Government had a large surplus in hand, amounting to many millions. Dr. Marshman, the editor of the *Friend of India*, seven months after the conversion was announced, and when it was necessary to decide the still undecided stockholders, wrote—

> "The cash balances are still enormously in excess of the actual needs of the State. They cannot long remain so. India for the first time in thirty years, has a surplus revenue. If peace continues the accumulative process will rapidly proceed, the 3½ per cent loan will fill, and the Government, oppressed with a plethora of resources must take at least one more step in advance."

On the 25th of May, 1854, Mr. Marshman wrote,—

> "With respect to money there is and can be no permanent difficulty. Whether shares are or are not at a premium at home does not signify one jot. The supply required can be raised in this country. In the last resort, should English capitalists decline five per cent, and natives refuse the Company's guarantee, there is a balance of 16,000,000*l*. sterling in the treasuries, bearing no interest, and of no earthly use, and the idea of a stoppage for want of funds is one which could only be entertained by those who believe India to be perpetually on the verge of bankruptcy."

It was evident that it was intended to create an impression that there was a large disposable surplus in the hands of the Government, and it was also evident that that impression was absolutely erroneous. This impression was created, the deception was kept up, and what had been called a successful operation was accomplished; successful it certainly was as far as the Government were concerned, but most disastrous to the holders of stock. The right hon. Gentleman did not tell the Committee that the course taken by the supreme Government with regard to this loan was a flagrant violation of the instructions of the Court of Directors and of the Board of Control—but that was the case; for, on the 20th of December, 1854, a letter was addressed to the Government stating that no outlay for public works was to be made without the express sanction of the home Government. That Minute was disobeyed, and, more than this, the mail, which left India on the 9th of March, contained not a syllable with respect to the loan which was announced on the 12th of March, and which Lord Dalhousie was said to have sanctioned. The effect of that announcement was a fall in the Indian funds of upwards of fifteen per cent. in one day; this was absolutely ruinous to some, and very disastrous to a great many people. A statement had appeared in *The Times* and in some of the Indian papers to the effect that on the very morning of the day on which the loan was announced the Government of Calcutta offered for sale 300,000*l*. worth of opium, and the consequence of the announcement was that the persons who had entered into contracts for the purchase of the opium were obliged to sell out their stock at the low rate in order to fulfil those contracts. Such a transaction would be thought rather sharp among private merchants, but it was disreputable when a Government were parties to it. He would call the right hon. Gentleman's attention to another point with respect to the name of the loan. It was called a "Public Works Loan," in order to induce people to believe that it was to be devoted to public works, but he was afraid it would be applied to a very different object. Mr. Dorin, Mr. Grant, and Mr. Peacock seemed most anxious in their Minutes to make excuses—"they do protest too much, methinks"—for the name of the loan, but they mentioned no facts which justified the statements they made. He wished to call the attention of the present First Lord of the Admiralty to this point, for he would show that the right hon. Gentleman's statements and those of Mr. Grant on the subject of the amount which had been expended of late years on public works were entirely contradictory. The right hon. Gentleman stated that the amount so expended in 1851 was 400,000*l*.; in 1852 was 400,000*l*.; in 1853 was 700,000*l*.; in 1854 was 802,000*l*.; and in 1855 would probably be about 800,000*l*., which he (Mr. Bright) would call 850,000*l*. Mr. Grant, on the other hand, stated that the amount expended in 1851 was 1,120,312*l*.; in 1852 was 1,532,812*l*.; in 1853 was 1,706,250*l*.; in 1854 was 2,367,187*l*.; and in 1855 was 2,810,156*l*. The total for the five years, according to the right hon. Gentleman's statement, was 3,152,000*l*.; while, according to Mr. Grant's statement, it was 9,536,717*l*.; there was thus a difference of no less than 6,384,717*l*. He must say he thought the representations in the paper laid before the House were altogether fraudulent—he would retract that word, and say they were erroneous. In a note to the sum stated to have been expended upon public works, it was explained that a portion of the amount had been applied to civil and military works; but these civil and military buildings were an ordinary and inevitable charge upon the resources of the Government, and had no relation to the public works which had been demanded in Parliament—namely, the establishment of water communications, the formation of roads, the building of bridges, and the works required for irrigation. He considered that an attempt had been made to deceive that House and the people of India when works which were intended for the civil and military purposes of the Government were classed under the head of "public works." An attempt had been made to show that the deficit in the Indian finances had been occasioned in consequence of the vast expenditure upon public works, but he was prepared to deny that that was the fact. In 1853 the Indian Government had a balance of 14,400,000*l.*, which two months afterwards was nearly 18,000,000*l.*, but which had now fallen to 7,800,000*l.*, so that there had been a positive decrease in the balance of about 10,000,000*l.* The actual increase of expenditure upon public works in 1853-54, according to the statement of the late President of the Board of Control, was only 102,000*l.*, and, supposing such expenditure had amounted to 150,000*l.* in the subsequent year, these were the only items of expenditure which could be regarded as rendering a loan necessary. According to the *Friend of India*, there had been extra remittances to England to the amount of 1,000,000*l.*, but the Indian Government had derived, during two years, a gain upon exchanges which would amount to 380,000*l.*, and the receipts from the Nagpore territory, which for two years were estimated at 670,000*l.* With regard to the annexation of Nagpore, he might observe that the territory was said to comprise from 70,000 to 80,000 square miles; it contained a population of about 5,000,000; and it returned a revenue of more than 500,000*l.* a year; but although this extensive territory had been added to the dominions of the Crown no mention of the circumstance had ever been made in the Queen's Speech, the fact of such annexation had never been communicated to Parliament, and their opinion on the transaction had never been asked. He must say it was a mere illusion to term the loan which had been contracted a Public Works Loan. He considered that a radical reform was required in everything relating to the finances of India—in the mode in which the accounts were kept, and with respect to the manner in which, and the time at which, they were placed before that House and the public. He thought that if there was one thing which should be avoided by the Indian Government more than another, it was any attempt at secrecy with regard to the condition of their finances. This country could not hope to maintain its credit if it attempted to conceal its financial position, and if the Indian Government considered their own interests alone they would wholly abolish the system of secrecy. The consequence of the present state of things was that the commercial public of India, both native and European, were placed in a position of the greatest difficulty; and the money market was deranged to such an extent that persons who had acted with the utmost prudence and caution were involved in inevitable ruin. A letter that he had received from the Chamber of Commerce of Madras, dated June 23rd, 1855, pointed out the evils arising from the secrecy in which the Indian Government enveloped its financial arrangements, as illustrated by the opening of the Five per Cent Loan; and stated that on the morning of the day on which that loan was announced the Four per Cent Stock was quoted at from 95 to 96 per cent, but on the evening of the same day it fell from 80 to 82 per cent—that these fluctuations were mainly traceable to the ignorance in which the people were kept as to the state of the yearly revenue and expenditure, there being no means by which they could by any foresight prepare for the probable pecuniary wants of the Government. The letter then recommended the adoption of an organised system of public accounts to be published quarterly, and also suggested that an annual budget of the anticipated revenue and expenditure, ordinary and extraordinary, of India, for each year about to ensue, was essential to the safety of the commercial community, while it would likewise serve to inspire confidence in the Government. There would be no difficulty in following this course, because, according to the *Friend of India* of May 31st 1854, a statement of the balances, both at the different Presidencies and at all their subordinate stations, was made up monthly in the financial department, by which means the Government of India was enabled to understand its exact financial position from month to month. The *Friend of India* suffered the agony of a man who had a friend that he was desirous of extricating from embarrassment, but whose case he found could not bear examination. That publication on the 9th of June last stated that "it would appear that the Indian authorities at home had no knowledge of the Five per Cent Loan except from the newspapers!" that "whereas the loan was opened on the 12th of March, the first mail in March left Calcutta on the 9th of that month without any intimation that so important a measure was in contemplation;" that "there has evidently been a great leaven of mystery and mystification throughout the transaction, and the Indian Government would seem to have involved itself in a labyrinth of difficulties;" that "a fatal error has been committed by the veil of mystery which has been thrown over the loan;" and that "the Public Works Loan may prove the Crimea of the Indian Government." These were the statements of a writer who was the greatest friend of the Indian Government, from whom he received many hundreds a year, and who had been brought to this country to cram Members of that House who wished to speak in favour of that Government. A country like India, with 30,000,000*l.* of revenue and 50,000,000*l.* of debt, ought to have some one person specially chosen for his financial aptitude to act as its Chancellor of the Exchequer, and to whom they could look as primarily responsible. The right hon. Gentleman thought the resolution of which he (Mr. Bright) had given notice, suggesting that the annual accounts of the revenues of India should be made up to the 30th of October, instead of the 30th of April, was impracticable. The right hon. Gentleman could not understand much about double entry, or he would not have said that it had anything to do with the matter. When Lord Althorp was Chancellor of the Exchequer of this country he changed the period for making the financial statement of the United Kingdom, and the right hon. Member for the University of Oxford, when recently in that office, intended to carry out a similar measure. The President of the Board of Control had only to send out a despatch on this subject, and what his (Mr. Bright's) resolution contemplated would be instantly done. There was really nothing to prevent a complete statement of the receipts and expenditure of the Indian treasury for the preceding year, with an estimate of the receipts and expenditure of the current year from being annually laid before Parliament in March, in order to bring the condition of India fairly before that House and the public. The President of the Board of Control had pronounced a panegyric on the new Governor General of India. These panegyrics were pronounced on the appointment of all Governors General, and we were generally told that they were to add nothing to the area of our dominions in India, although when they returned home titles and pensions were usually claimed for them for extending our territory. He would not detract from the praise that had been bestowed on Lord Canning, of whom he knew nothing that he could condemn. He had always considered that nobleman to be a man of good intentions, who was both intelligent and laborious. But, in governing India, besides these qualities, a firm will was wanted that would do what was necessary to be done in spite of opposition from large and compact interests in the public service, which long habit had indisposed to many needful changes. If he might give a word of advice to the new Governor General, he would tell him that this question of finance lay at the foundation of success in the government of India and of prosperity to its vast population. The finances of India were in an unsound state because its foreign policy resembled that of this country. War was ruinous to all finance, whether in England or in India; and incessant war had caused the almost constant deficit in the revenues of the latter country. A country with a population so industrious and docile, with a climate and soil which produced in one portion or another of its surface almost everything that the earth yielded to man, were it only governed with ordinary wisdom, prudence, and economy, ought to have a surplus revenue, if any country in the world could have such a thing. Yet for the last twenty-five years it had been in debt, the amount of which had gradually swollen to 50,000,000*l.*—with a gross revenue of 30,000,000*l.* a year, and a balance in the exchequer of 17,000,000 only two years ago, but which was now down to 8,000,000*l.* He would say to Lord Canning that there was in India one particular class of persons of whom he ought to beware—a kind of men not uncommon in India, who, like Lord Stratford de Redcliffe, were ever getting up disputes, and if he found such a person, he should of all things be careful to avoid him in connection with the public service. His advice to him was not to go to war, like Lord Dalhousie, for a paltry sum of 900*l.*, which the King of Ava was willing to pay, and because two inferior officers had been left standing in the sun longer than they thought was consistent with their dignity. There was a story of a Resident about to be sent on a distant embassy to a native prince, who, on his farewell interview with the Governor General, said, "My lord, is it to be peace or war?"—knowing well that it was in his power to cause either, just as might be most desirable. This was a class of men of whom Lord Canning ought to beware; for there was no possibility of relieving the pressure of taxation on the natives of India if war was to be perpetually waged with native States. He would not go into the question of the opium trade further than to say that a more dreadful traffic, or one more hideous in its results, never existed, except, perhaps, the transport of Africans from their own country to the continent of America. With regard to the salt duty, he would say that so long as such a tax was continued, the character of the Indian Government could not be what it ought to be. To tax the salt of a people, whose entire food was vegetable, so that in the interior it cost at least twenty times more than it did in this country, was positively disgraceful. The system was economically wrong and hideously cruel, and must of necessity be bad, and he trusted, therefore, that it would be speedily abolished. Another point he could not help referring to was that of torture, with regard to which the hon. Member for Stafford had given notice for another Session. The hon. Member for Newcastle last year brought forward this subject, and an inquiry had since taken place which justified everything that had been said regarding the torture prevalent in India. The inquiry, indeed, proved far more than had been alleged, and yet a tenth of what might have been told was not brought to light, for vast numbers of persons had presented themselves too late to be examined. The hon. Member for Honiton (Sir J. W. Hogg) and other Members of the India House, always professed to know infinitely more of India than he or any other person in that House did. The hon. Member for Honiton was regarded as the great luminary in Indian matters, and the hon. Member for Guildford (Mr. Mangles) shone as a lesser light in the same direction. Last year the hon. Member for Honiton did not deny that torture existed in India; but he pointed to the hon. Member for Poole (Mr. H. D. Seymour) with indignation and scorn, and endeavoured to throw contempt upon his inquiries by representing him as having gone to Madras and travelled up and down the country, asking the natives about the kind of torture they were subjected to, and then coming back and emptying his "carpet bag" of the calumnies and slanders he had collected in order to bring them against the Indian Government. The hon. Member for Guildford declared that he had never heard of any case of torture whatever in connection with the collection of the revenue in India. He (Mr. Bright) did not say that was not a true statement. He never believed that these gentlemen knew half so much of India as they said they did. This great enormity was known in Leadenhall-street and in Madras to have existed; and yet the hon. Member for Guildford was ignorant of the fact, though he had been for many years in India, and many more in Leadenhall-street. The hon. Member for Honiton deserved still greater condemnation. He (Mr. Bright) had seen the tables turned on that hon. Gentleman. He remembered that a few years ago all he said on the subject of India was received as gospel in that House. Whenever he opened his mouth, Sir John Hobhouse, who sat on the Treasury bench below, took all he said for gospel, and those who opposed the hon. Gentleman were regularly snuffed out. But this hon. Gentleman, who had held high office in India, who had received large emoluments, and who had been the principal leader of the Government at the India House—he (Mr. Bright) had once pictured him astride all the other directors—knew nothing of the existence of torture in India, and poured abuse upon the hon. Member for Poole when he stood forward as the advocate of the poor natives of that country. The hon. Member for Poole, at great expense and labour, and risk even of health, went over the interior of Madras, and gathered the most conclusive evidence upon this question, doing more real service for India than the hon. Member for Honiton could ever hope to accomplish. He denied that either the hon. Member for Honiton or the hon. Member for Guildford were authorities on this subject. If they were ignorant they were no authorities, and if they were not ignorant then they were not to be trusted. This was the dilemma on the horns of which he placed those gentlemen, and he hoped the hon. Member for Honiton would endeavour to get rid of it in the speech he was about to deliver. He hoped the right hon. Gentleman would accept the Resolution which he now offered them, as unquestionably it would strengthen his hands in any attempt he might make to hasten the production of the Indian accounts. He confessed he was sometimes betrayed into a little warmth when speaking on Indian subjects, because he never looked into the question but he felt a degree of sympathy which he had no language to express adequately to the House. The population was so great, the interests were so vast, and the wrong done so great, that he could not but feel the deepest interest in the subject, and it was with these feelings he beseeched the House to take the matter more under their care than they had hitherto done, and give a better government for India. He felt deeply the responsibility that pressed on us as the governors of so many millions of people, and he felt that responsibility increased by the cruelty, the rapine, and the guilt that had too often marked our career in the East. He was anxious that England and England's Parliament should spread before the world a brighter picture for the future. There would be history besides that which was past for India to come, and, when the story of her latter days came to be narrated, why should we not have to tell something else than of the mere successes of conquest? Why not have wise laws and such an administration of the law as would prove a blessing to India, and do more than anything else to confer imperishable renown upon the English nation?

Sir JAMES HOGG said, that the hon. Member for Manchester commenced his speech by stating that it was not his intention to make a personal attack either on the Government or the Court of Directors. He then dwelt on the subject of Indian finance, which he said could only be in a prosperous state in a time of peace; but he soon waxed so warm, so virulent, so personal, that any one coming into the House would have thought that the hon. Member was descanting on the blessings of peace. Whenever the question of India arose, the hon. Member made a personal attack not only on the conduct but on the motives of those whose duty it was to take part in the government of that country. The hon. Member had alluded to the appointments and emoluments which he (Sir J. W. Hogg) had held and received in India; such allusions were surely not very usual nor very seemly, but he had an honourable pride in telling the Member for Manchester that he was indebted to no patronage or favour for the independence he possessed—that he proceeded to India without any appointment, and dependant solely on his own exertions. He had, perhaps, as great practice at the Calcutta Bar and was in as large professional receipts as any man of his age and standing ever had at any Bar. He accepted office, because his health began to fail, and he did so for ease and at a sacrifice of income. The hon. Member adverted to what was called the "Torture Report," and in doing so alluded to the hon. Member for Guildford (Mr. Mangles) and himself as having denied that this practice existed. As regarded himself, this statement was incorrect. When the subject had been alluded to on a former occasion, his mind was so occupied by other matters that he omitted to reply to the remarks that had been made, and had been taunted by the hon. Member for Oxfordshire for that omission. He never would have ventured to assert that no improper practices were ever resorted to by the subordinates that the Indian Government were compelled to employ. Crime existed in India as elsewhere, but the Government used its best efforts to repress it. The Board of Directors had sent out, not only lately, but years ago, despatch after despatch, and circulars had been issued by the Government, calling attention to the cases of misconduct and extortion which were brought under their notice. It was well known that even up to the present time these improper practices prevailed in the Native States, and that whenever these States came under the rule of the Indian Government, its best endeavours were used to eradicate these practices, and that it had to some extent succeeded in so doing. Such being the case, he had heard with surprise what the right hon. President of the Board of Control had said upon this subject, and he begged to tell that right hon. Gentleman that he had used an expression which he was not justified in doing. The right hon. Gentleman said that the Government of India was *participes criminis*. This, he (Sir J. W. Hogg) emphatically denied. The expression of the right hon. Gentleman distinctly implied that the Government of India, connived at the crime, or, at least, were aware of its existence, and did not exert themselves to repress it. Upon what did the right hon. Gentleman found such an imputation? It was not supported or warranted by the Report of the Commissioners by which he (Sir J. W. Hogg) was content to be bound. When the statements in regard to this subject were made during the last Session of Parliament, a despatch was immediately prepared by the Directors, and was sent out to India in the course of a few days. But the Government of the Madras Presidency had anticipated the instructions sent from home, and, as soon as the statements with respect to torture were seen in the public prints, it sent circulars to every judge and collector, and to all the civil and military servants of the Government throughout the Presidency of Madras, desiring them to make inquiries, to obtain information on this subject, and to adopt such measures as would enable the Government to bring the offenders to punishment. A Commission was then appointed to inquire into the subject, of which Mr. Norton was a member. He was a gentleman of great talent and energy; he entertained almost as strong a feeling as the hon. Member for Manchester as to the misgovernment of India; this gentleman, however, was selected to be one of the Commissioners by the Government of Madras, in order to show that it was desirous this matter should be probed to the fullest extent. This Commission issued notifications in six languages. These notifications were announced by beat of tom-tom in all the villages, and every possible means were taken of making it known that the Government was desirous that statements should be sent in, and that persons should come forward and give evidence to enable the Government to put an end to such practices if found to exist. It was thought that many persons might, on account of the expense, be prevented from personally coming forward, the Government of Madras offered to pay the expenses of all who would come forward and give information which would lead to the suppression of this system. The result was, that out of a population of nearly 23,000,000, covering a territory of 130,000 square miles, only 384 applications were made in person, and 425 in writing. He thought these facts showed that though the evil complained of did exist—and it was deeply to be lamented that it should be so—yet that it was not very general or far spread. The Parliamentary paper containing the Report of the Commissioners had not yet been generally circulated—though he perceived that some hon. Members by special favour had got copies of it—and it would not, therefore, be fair to refer to the evidence which the House had not yet had an opportunity of studying; but he would call their attention to the general finding of the Commissioners. After recapitulating some portion of the evidence, they went on to say:—

> "From the evidence which has been brought before us we have been obliged to come to the conclusion that personal violence has been practised by native revenue collectors and police officials, both in the collection of the revenue and in police cases; but we are bound at the same time to state our opinion that the practice has been of late years steadily decreasing both in severity and extent."

It was also gratifying to learn that the Commissioners were satisfied that the Native officials—from the highest to the lowest—were well aware of the abhorrence in which the practice was held by their European superiors, and that they had seen nothing to impress them with the idea that the people themselves entertained any idea that the maltreatment to which they were subjected was countenanced or tolerated by the European officers or by the Government. "The cry of the people," they said, "which has come before us, is to save them from the cruelty of their fellow Natives, and not from the effects of unkindness or indifference on the part of the European officers." He would not go into the evidence taken by the Commissioners, because to do so might only tend to mislead those who had not a copy of it before them; but he thought it was clear that the practice of torture did not go to the extent that was supposed. The Commissioners stated that there was great conflict of opinion among the Commissariat officers as to the existence of torture—that few of the civil engineers or missionaries examined before them could testify of their own knowledge to the existence of torture, and that few of the medical men attached to the Zillah stations had any knowledge of the practice; and they went on to remark that, considering that these medical men had charge of the gaols, and that it was their duty to inspect the prisoners, "their testimony was a cogent argument in favour of the secrecy and comparative lightness of the violence." Speaking of the degree of violence used, they said, "It is impossible to believe that the atrocious kinds of torture are of ordinary occurrence; the cases in which death from wounds or injury to limbs has occurred must be regarded as highly exceptional." On the whole, the Report certainly showed that this misconduct did exist to a greater extent in India than he had previously been aware of, and if this ignorance of his were a crime he was ready to plead guilty to it.

He now came to the subject of finance, and, not being such a master of figures as the hon. Member for Manchester, he found it difficult to follow that hon. Member through his statement, especially as he had taken a bit of it from one source and another bit from another source, adopting the *Friend of India* when it suited his purpose, and repudiating it when it did not answer his views. The hon. Member said that the Indian balances varied very much; this was quite true—they diminished when disbursements were made, and increased when payments came in. That might seem marvellous to the hon. Member, but it was nevertheless true. In India the revenue came from different districts, about the same time; and so it was not strange, but in the natural course of events, that the Indian balances should suddenly increase, and that they should as suddenly diminish when payments were made to the whole of the civil and military establishments. The hon. Member also complained of the large sums of money lying idle in the Treasury. But considering the enormous area of India, and the difficulty and expense of transporting money, all payments being made in silver—it was necessary to have a large balance, or the machine of Government could not go on. He hoped that the railways, when completed, would enable the Government to reduce very much the amount of the balances. He now came to the subject of the loan, which he was prepared to defend. The President of the Board of Control, looking towards the hon. Member for Manchester, said, with seeming timidity, that he was not there to defend the Governor General; but he (Sir J, W. Hogg) maintained that it was the right hon. Gentleman's duty to defend the Governor General if right, and to denounce him if wrong. If the Governor General and the Indian Government deserved defence the right hon. Gentleman abandoned his duty if he left these authorities undefended. The Indian Government were bound to do the best they could for the public, and if they could borrow money at 4 per cent, they ought not to pay 5 per cent; and if they had a surplus not wanted for the public service, they ought to employ it in the payment of the debt. Now, what were the facts? Let them look first at what took place in 1853. In July of that year there was a sum of 18,000,000*l.* in the public Treasuries, being at least 7,000,000*l.* more than was required for the public service. The Four per Cent Stock being then at par, the Governor General determined to convert the Five per Cent Stock, and with what success might be judged from the fact that of 25,000,000*l.* of Five per Cent Stock, 20,000,000*l.* were converted into Four per Cent Stock; that only 5,000,000*l.* of Stock was required to be paid off; and that whilst the operation was in course of being performed the rate of Four per Cent Stock did not vary 1 per cent. That sufficiently proved that the Indian Government were then justified in converting the Five per cent Stock. But in March of the present year it was found that from unforeseen causes there was an excess of expenditure over revenue of about 2,000,000*l.*; that the balances in the public treasuries would be reduced to 8,000,000*l.* or 2,000,000*l.* less than they ought to be, as he had already stated; and that at Calcutta they would be nearly exhausted. The Russian war had broken out, and Consols fell to 90. At the same time money was so scarce, and the rate of interest in India so high, that the Bank of Bengal was charging 11 per cent for loans on deposit of Government securities, and within six weeks the home Government drew on the Indian Government bills to the amount of two millions sterling. Under these circumstances it was that the Indian Government was compelled to issue the New Five per Cent Loan. The hon. Member for Manchester complained that while the negotiation of a loan at home had only affected Consols to the amount of two or three per cent, the negotiation of the new Indian loan had affected the price of the Four per Cent Stock to the extent of 14 or 15 per cent. But the hon. Member forgets that while the new Stock created here bore the same rate of interest as that already in existence, the Indian Government was forced to contract their new loan at 5 per cent interest, while the existing Stock was a Four per Cent Stock. While such was the pressure in India the home authorities had been under the necessity of drawing on the Indian Government, within the six weeks preceding the loan for 192 lacs, or nearly 2,000,000*l.* It had been asked why did the home authorities draw for so large an amount within so short a period? Why did they not distribute their bills equally over the year? These questions were easily answered. The lenders were bound to adopt measures not to interfere with or disturb the course of commercial and monetary affairs, and with this view they published at the commencement of the year a statement of the amount intended to be drawn upon India, and their treasury remained open until that amount was actually drawn, so that merchants at home and their agents at Calcutta and elsewhere could know exactly the amount to be drawn. So long as any part of the amount notified remained undrawn the treasury remained open, and the only way of stopping the issue of bills was by raising the rate of exchange. In order to prevent one party from gaining an advantage over another by a variation in the rate of exchange, the rate was never altered until the steamer had sailed, so that all persons remitting bills paid the same rate. With respect to public works, the Directors did, in July, 1834, give directions that those works should be proceeded with, and the expenses be defrayed from the balances, and when those were exhausted that then a loan should be raised, but that no public works loan should be raised without their previous consent. However, under the circumstances, the loan was wisely raised without waiting for the consent of the Directors. The hon. Gentleman the Member for Manchester had treated somewhat cavalierly the statement of the Members of the Council respecting the loan; but those gentlemen were men of the highest character and abilities, in whom all who knew them would place implicit confidence. The statement which they made was true, and, the revenue being reduced, the public works could not go on unless a loan was raised; the amount required for public works for the year was 3,000,000*l*., while the loan was for 2,700,000*l*. There was a little disparity between the figures given by the right hon. Gentleman the President of the Board of Control and those of Mr. Grant, the explanation of which appeared to be that the expenses for public works in the North-West Provinces and the Punjab, where the principal expenses arose, were charged against the revenue of the subsequent year as works in progress. Thus, in one year Mr. Grant made an estimate which was below the actual amount, while in the next it exceeded it. The hon. Member for Manchester had complained of the arrangements of the India House for affording information to inquirers; but the fact was that there was an officer expressly appointed to answer questions respecting the estates of deceased persons. Every will, every administrator's account current, every executor's account, was sent home, and any person requiring information could obtain it immediately on application at the India House. He was as anxious as the hon. Member for Manchester that the financial statement should be made at an earlier period of the Session, and he was as unable as the hon. Member to understand the excuse assigned by the President of the Board of Control. As to the Government not giving a night, he had seen nights enough uselessly consumed, and he was not aware how they could apply a night more advantageously to the public interests than to the subject of India. There was necessarily some delay in obtaining the accounts, because each collector sent his accounts to the Presidency, whence they were transmitted to the India Government in the first place, and subsequently to this country; but he pledged himself that the Directors would make every effort to bring up the accounts to the preceding April.

MR. J. G. PHILLIMORE thought the hon. Baronet had succeeded in placing the subject of the loan upon a different footing from that on which it was left by the hon. Member for Manchester; but, with regard to the question of torture, the hon. Baronet had endeavoured to gloss over statements which should make the blood of every man tingle with indignation. The following was from the pen of the Commissioners themselves—

> "Among the principal tortures in vogue in police cases we find—twisting a rope round the entire arm or leg so as to impede circulation, lifting up by the mustachios, suspending by the arms while tied behind the back, searing with hot irons, placing insects on the navel, the scrotum, or other most sensitive parts, dropping in wells and rivers until half drowned, putting pepper and chili into the eyes, or introducing them into the private parts of men and women."

These were the practices with regard to which the hon. Baronet tried to throw dust in the eyes of the House by talking of them as exceptional. He believed among the worst races that ever disgraced the human shape such practices could be only exceptional, and they were totally indefensible by any Englishman. The hon. Baronet said he did not deny the existence of torture in India; but when the hon. Member for Guildford (Mr. Mangles) gave that denial the hon. Baronet (Sir J. W. Hogg) did not contradict him, and it was not owing to the hon. Baronet or the Indian Government, but to the hon. Member for Poole (Mr. D. Seymour), that these abominable practices were exposed. Among the witnesses examined by the Commissioners, Lieutenant Groves said he was shown two thumbscrews, and all the natives spoke of their use as a matter of course. Another witness saw a dozen ryots who were in arrears undergoing the ordeal. They were all ranged under a meridian sun in the hottest period of the year; all had heavy stones placed upon their heads and on their backs between their shoulders; their bodies were bent double, and several were kept in that position standing on one leg, the other being raised by tying a stick round the toe. He was present two hours, and none were released during that time. Other witnesses said the police were the pest and bane of society, and originated half the misery and discontent in the country. Violence, torture, and cruelty, were their chief instruments for detecting crime and extorting money. Robberies were day and night committed, and not unfrequently with their connivance. If when cruelty was practised the person accused persisted in his innocence, he was only released upon incriminating some wealthy man, who in his turn was only permitted to depart on payment of a heavy fine. That was the description of the Indian police, concerning which they had never heard a syllable from any one representing the Government of India in that House. He would conclude this portion of the subject by mentioning one more case of torture, which resulted in the death of an old man, who, having been tied up in the sun in the manner he had described, that treatment brought on a fit of apoplexy, which resulted in the death of the sufferer. And what was the reason why this unfortunate victim was thus tortured? Because he was supposed to be deficient in the payment of 2 annas and 10 pice—not quite 4*d.*! Now, although he was much gratified by the speech of the right hon. Gentleman (Mr. V. Smith), as evincing a desire to remedy the evils inflicted upon the people of India, he was much mortified to hear what he had said about the salt tax, which appeared to be as unjust a mode of extorting money as human ingenuity could devise. He trusted that before long the Government would take that subject into their serious consideration; and he would remind the right hon. Gentleman that the collection of the *gabelle* in the seventeenth century led to the French Revolution, and that they had it from Sully that nothing could be more cruel than a tax upon salt. He contended, also, that an improved tenure of land was loudly called for, and that it was imperative to establish a proper judicial system. No person could efficiently perform the offices of judge and revenue collector, and the attempt to combine them in the same individual frequently led to the infliction of gross injustice. Indeed, the administration of justice in India—he did not mean by judges sent out from England to administer English law—was a scandal to the country. He also alluded to the enormous amount of the salaries attached to some of the civil appointments, and from which appointments the natives of that unhappy country were excluded. He hoped that the time had at length arrived when the evils which had been suffered to accumulate in India for the oppression of the people would be removed.

Mr. OTWAY said, that before he referred to the question of torture he must express his regret at the tendency to annex the territories of native princes which had of late developed itself. If they had only a return of the annexations made under Lord Dalhousie, he had no doubt they would find that they exceeded all those which had been made by the five or six Governor Generals preceding him. The remarks of the right hon. Gentleman (Mr. V. Smith) with respect to Oude were also somewhat ominous. He (Mr. Otway) was afraid that the Governor General had already his eye upon that territory; but he trusted that the right hon. Gentleman would give him a strong intimation that its annexation would not be a policy that would meet with his approbation. He hoped that, if better feelings did not prevail, a regard to such authorities as Sir Thomas Munro, the Duke of Wellington, and other great Indian statesmen, would deter the Government from a course which would be detrimental to the interests of this country. With regard to the question of public works, he noticed a very wide discrepancy between the figures of Sir Charles Wood and Mr. Grant. Sir Charles Wood stated the outlay for public works at 3,152,000*l.*; whereas Mr. Grant set it down at 9,152,900*l.*, having included in that sum the building of barracks and other military expenditure, which it was not fair to call public works. He (Mr. Otway) complained, first, that the expenditure was quite incommensurate with the extent of area to which it was applied; and, secondly, that the objects were by no means judiciously chosen. He thought the money ought to be applied chiefly to water communication, which was much more adapted to the wants of India than railways. Besides, railways could only be extended at a rate of a hundred miles per annum, whereas water communication could be supplied very much faster indeed. The Report of Colonel Cotton showed that the outlay on public works had realised seventy per cent. He now came to the question of torture. Much as he had been surprised at statements made in that House by the hon. Baronet (Sir J. W. Hogg) on the subject of India, he had never been more so than by that which the hon. Baronet had made that night; for the hon. Baronet, after declaring that he had not had an opportunity of seeing a certain Report, immediately proceeded to give copious extracts from it. He must also remark that those extracts were by no means calculated to afford an accurate notion of the Report itself. The hon. Baronet dwelt first on the fact that the number of letters received in answer to the notification had been but small; and, secondly, that no complaints had been made against Europeans. That, however, was a statement which was hardly borne out by the document itself; but, as he (Mr. Otway) had given formal notice that he would call the attention of the House to the subject next Session, he would not now go into the question at any length. He must, however, remark that the Commissioners themselves noticed the fact that the receipt almost simultaneously of so many as 1,959 complaints was strong evidence that the objectionable practices were of very common occurrence. But the gravamen of his (Mr. Otway's) charge against the Directors was, that these practices had been carried on for years with the full cognisance of the East Indian Government; and the Directors had written despatches, condemnatory of them, indeed, but still showing that they were fully aware of them. He regretted the absence of the hon. Member for Roxburghshire (Mr. Elliot), who, on a former occasion, said that he had been thirty years in India, and had never heard of the practice of torture. He hoped the hon. Gentleman would be in his place next Session when he (Mr. Otway) brought forward his Motion on the subject. There was the evidence given in the Report, not only of natives, but of several European gentlemen, affirming that in their sight the use of the thumbscrew had been practised by the police for the purpose of extorting a confession with a view to obtaining money. It was clearly proved that they had been guilty of inflicting the most horrible tortures, the result of which had been that confessions were made by innocent persons which led to their being condemned to death. The hon. Baronet had said that no missionaries had given evidence as to the existence of a system of torture. This was contradicted by the Report of the Commissioners, in which he found the names of several clergymen, who had given the most conclusive testimony to the existence of the practice. He had in his possession at this moment an instrument of torture of the most horrible character, which had positively been used upon a native of India. He trusted, then, he should hear no more denials of the practice of torture existing in India, and being exercised under the cognisance of Europeans. In the words of Mr. Lewin, he asserted that the practice of torture within the territories of the Madras Government were universal, systematic, and habitual, and that mutilations and death were its frequent results. He wished he could say that the system was confined to the Madras Presidency. In the Bombay papers he found a gross case of torture, which resulted in the death—the murder he might say — of an individual, and the persons charged with it received a most inadequate punishment, two years' imprisonment. The right hon. Gentleman alluded to the appointment of Lord Canning as the Governor General of India. When that noble Lord was appointed to that office, endeavours, he thought not fair ones, were made to disparage a man at the outset of his arduous duties. He had read the speech of the noble Lord at the entertainment given to him by the East India Company, a speech replete with noble sentiments, and all he could say was that if the noble Lord acted upon that speech, and appointed to public office persons who from their character and qualifications were fitted to take part in the government of 150,000,000 of persons, he might render illustrious in India a name that was famous in Europe.

Mr. HENLEY tendered his thanks to the hon. Member for Poole (Mr. Danby Seymour) for having brought this subject to the knowledge of the House and the country; for until he did that, he believed that scarcely anybody in this country had any knowledge of it. Another matter had also come painfully out in consequence of this inquiry, that those parties who had had long experience in India must now be held to have little knowledge not only of what went on in the country, but of what was done by parties in their own employment. It was impossible altogether to acquit the Government of India of some share in this matter. The Commissioners said it was generally prevalent, that it was now diminishing, and that the whole cry of the country came up against what was being done. It was extremely painful to have this matter brought up, and to hear it treated, as it had been by the hon. Baronet (Sir J. W. Hogg), because he stated that it did not exist to a considerable extent. Then again the hon. Baronet would have them believe that merchants, and missionaries, and Europeans were wholly ignorant of it; but if that were so, that only showed what an unfortunate state they were in, when the Government did not know what was going on by their own subordinates. It forced itself irresistibly on his mind that this practice had gone on to a considerable extent, and yet it was by an accident almost, by an hon. Member of that House choosing to go to India, that they had become aware of it. The existence of the evil, however, now stood upon record; there could be no longer any doubt about the fact; and he hoped that public opinion would so operate upon the Indian authorities as to insure that it should not much longer continue.

Sir JAMES HOGG explained that he did not say that missionaries and Europeans did not know of it. He gave the words of the Commissioners, who expressed their surprise that so few of the Europeans and civilians knew of it.

Sir CHARLES WOOD entirely concurred in the expression of gratitude which had been used with regard to his hon. Friend the Member for Poole for the information which he had afforded the Government upon the subject, and he had no doubt that the Government on the spot and the home Government would spare no effort to put a stop to such practices. With respect to the statements of the hon. Member for Manchester, it was obvious that they referred to another period as regarded the actual expenditure on civil works. He (Sir Charles Wood) stated the average expenditure on civil new works in 1852 at 700,000*l*. Mr. Grant's statement of expenditure, namely, 1,600,000*l*, in 1854, offered no discrepancy as to the facts.

Mr. BRIGHT said the figures might be made to agree, but it would be by including things which were not strictly public works.

Sir CHARLES WOOD said, the discrepancy was none; because for Mr. Grant's purpose all money for repairs, as well as for new works, was included. The hon. Gentleman said the statement of Indian finance on the subject of the loan made by him (Sir Charles Wood) was intended to deceive the House. There was no use in talking of the balances, as they varied. That in April, 1853, was 15,500,000*l*. This gave about 5,500,000*l*. available for any purpose to which it was requisite to be applied. For four years there had been an annual increasing surplus. For that the 4 per cent loan was kept open, and it being obvious that the 5 per cent loan was unnecessary, it was the duty of the Government to reduce the 5 per cent to 4, as it would be unjust to call upon the people of India to pay the difference. After this operation had been effected a change of circumstances took place, rendering it necessary to raise a 5 per cent loan for the purposes of the country. The first circumstance he gave his attention to, when he accepted the post of President of the Board of Control, was to endeavour to establish friendly relations on the western frontier of our Indian dominions. He could not too highly praise the conduct of Lord Dalhousie in the war, which had been, as it were, forced upon him. That noble Lord had acted with so much judgment that he was enabled to put an end to wars, to obtain large acquisitions of territory, and to lay the foundation of amicable relations with other Powers. The successor was well selected, and he augured the best for the appointment.

Mr. WHITESIDE wished to say a few words on the administration of justice in India. The right hon. Baronet (Sir C. Wood) on a former occasion said that the appointment of a Commission on judicial establishments in India was about to be followed up, but he had not heard that anything had been done. While Englishmen and Scotchmen were selected for judicial offices, Irishmen seemed to be systematically excluded. If a pamphlet which had been sent to him, containing the judgment of the inferior courts, reported them truly, it was no wonder that so many of their decisions were reversed in the superior courts, for such a farrago of folly, ignorance, and absurdity he had never read.

Mr. MANGLES said, it might have been the case that torture had been inflicted by native police officers in India in order to extort confessions in criminal cases, and the recent investigation of the Commissioners had proved the lamentable fact that it had also been employed to enforce the payment of rents. When he stated last year, on occasion of the Motion of the hon. Member for Newcastle (Mr. Blackett), that he had never heard of torture having been used in India for that end, or otherwise, than by native officers of police, in order to extort confessions, he spoke in ignorance; that ignorance arising from his personal knowledge of India having been confined to the north-western provinces, in both of which the system of land revenue was essentially different from that which prevailed in Madras. The Report recently published exonerated the European servants of the Company from being implicated in these practices. In considering this subject it was only fair to remember the extreme difficulty in procuring information relative to the commission of murders and other offences in India. He thought the right hon. Gentleman was hardly justified in saying that the servants of the Company were open to blame with regard to the administration of torture in the Madras Presidency, and he was sure those servants would not need the stimulus of public opinion to do all in their power to put down so abominable a system.

MR. DANBY SEYMOUR was sorry to find that the statements he had made in this House last year on the subject of torture had turned out to be well founded, and he had found upon inquiry that there appeared to be some some sort of understanding on the subject between the officials and the collectors. He thought there were various circumstances which justified the statement of his right hon. Friend that he could not wholly exculpate the civil servants in this matter. The Government had neglected reports which had called their attention to the infliction of torture, and when cases had been brought before the Judges in the Presidency of Madras they had failed to administer that severe punishment which would have been likely to prevent a repetition of the offence. With regard to the Native servants, they were extremely underpaid, and he thought a great deal might be done to improve their character and their position. As to the loan, there certainly had been no intention to deceive on the part of the Government of India; but he admitted that they were to a certain extent liable to blame for having allowed themselves to be taken by surprise in this matter. He trusted that before the next Session of Parliament measures would be devised to put an end to the system of torture, and that the finances of India on the next Budget night would present a more favourable appearance than they had shown that evening.

After a few words from Mr. V. SCULLY,

MR. BROTHERTON withdrew his Motion.

Resolutions *agreed to.*

On the Motion of Mr. BRIGHT, the following Resolutions were *agreed to.*

> "That, in the opinion of this Committee, with a view to bring the state of the Finances of India more clearly before Parliament, it is desirable that the Board of Control for the Affairs of India should consider the practicability of laying before Parliament in each year a complete statement of the receipts and expenditure of the Indian Treasury up to the 30th day of April, during the preceding, with an estimate of the anticipated receipts and expenditure for the current year.
>
> "That this Committee is further of opinion, that, in order to afford a fair opportunity for a consideration of the statement on Indian finance, now annually submitted to the House by the President of the Board of Control, it is desirable that, in future, that annual statement should be made at such a period of the Session as shall permit of its receiving the attention which its importance demands."

House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS,

Wednesday, August 8, 1855.

MINUTE.] PUBLIC BILL.—3° Burials.

BURIALS BILL.

Order for Third Reading read.

Bill read 3°.

VISCOUNT EBRINGTON said, he wished to call the attention of the House to the inconvenience caused by the diversity of the arrangements required by different bishops as the condition of consecrating burial-grounds. It was his intention to move the addition of a clause providing that it should not be necessary for the burial board of any parish to do more than prove that a requisite line of demarcation had been made between the parts intended for the interment of members of the Church of England and others, and that no proceedings should be instituted against any minister of the Church of England on account of his having officiated at the interment in such ground after it had been approved by the Secretary of State, and before its consecration. He would in furtherance of his views adduce a case in point. The burial-ground of Torrington, which remained unconsecrated to that moment, because the Bishop required a four-foot wall between the Dissenters' burial-ground and the part appropriated to the members of the Church of England, and refused to consecrate, though even an iron railing or a sunk fence was offered by the burial board of that town.

Clauses *brought up* and read the first time.

Mr. FERGUSON said, he could mention that a similar case occurred in Carlisle, where consecration was refused because the division proposed was a foot-path.

Sir GEORGE GREY said, the clause had been fully discussed on the Motion of the hon. Member for Carlisle (Mr. Ferguson), and the objection had been admitted by the Committee. There had been cases, no doubt, where a wall was insisted on by the Bishop as a condition of consecration; but the clause did not affect the provisions of the Bill, because if the ground remained unconsecrated the clergy could demand no fees for interments. He did not think the clause would effect the object in view, as a discretionary power should be left to the Bishop in the matter of consecration. It was, no doubt, most undesirable that those distinctions should exist; but the mode of separation required by the Act could not be decided by the clause of the noble Lord.

Mr. HENLEY said, the clause would only make "confusion worse confounded," and he would not envy the Secretary of State his employment in the recess, should it pass, that of inquiring into the fitting fence and boundaries of all the church-yards in England. He (Mr. Henley) did not see what difference could arise on the subject of fences, as all that was requisite was that the distinction demanded by law should be permanently preserved; and whatever fence effected that object was, in his opinion, the best for the purpose.

Sir HENRY WILLOUGHBY said, he thought the question of boundary ought to be left altogether to the burial board. He did not agree with the clause.

Mr. W. J. FOX said, he did not see why, as all met in the grave, there should be any attempt to make a distinction between the dead. The adoption of the clause would show the feeling of the House against such obstructive demarcation; and he (Mr. Fox) should, therefore, support it, irrespective of all considerations of ecclesiastical convenience.

Mr. APSLEY PELLATT said, he should support the clause. The Home Office would only have to interpose in a few cases. In some places there was so strong a feeling against consecration as almost amounted to ridicule. The Dissenters would have no objection, however, to all grave-yards being consecrated, if their ministers were permitted to read service over their dead. As it was, some clergymen of the Church of England objected to the body of a Dissenter being carried over consecrated ground.

Mr. WIGRAM said, all consecrated burial-grounds were open to Dissenters; the only difference being that the Dissenters required their own ministers to pray over them. He (Mr. Wigram) was, however, of opinion that so long as there was an Established Church it was only right that the authorised officers of that Church should perform the authorised service for the dead. The separation was required for the sake of decency.

Mr. J. G. PHILLIMORE said, he should support the clause. The distinction was not made for the sake of decency, but for the sake of intolerance.

The ATTORNEY GENERAL said, he would willingly agree to the clause, if it effected the object it had in view; but as it would not do so he could not support it.

Mr. HADFIELD said, the clause was a very modest one. If a better could be introduced hon. Members ought to introduce it, and thereby put an end to ecclesiastical vagaries, such as the House had heard stated. He hoped the clause would be pressed to a division.

Mr. BARROW said, he could not vote for the clause, because he thought it would give offence to a large portion of the community to legalise the *quasi* consecration of burial-grounds. He agreed that division should be made as inexpensive as possible.

Mr. BELL said, he should support the clause, for in reality the grievance was a Churchman's, and not a Dissenter's grievance.

Mr. SPOONER said, that he could not agree to the clause as proposed by the noble Lord, but would assent to a clause giving to the burial boards (subject to the approval of the Secretary of State) the power of deciding whether the consecrated portion of the burial-ground was adequately fenced off from the unconsecrated ground.

Viscount EBRINGTON said, the really important part of the clause was that which enacted that no clergyman of the Church of England should be liable to prosecution for performing the funeral service in unconsecrated ground. He would, with the permission of the House, move that portion of the clause alone.

Sir GEORGE GREY said, that the difficulty would not be met by the proposition of the hon. Member for North Warwickshire (Mr. Spooner), for the burial board had now the power of deciding whether the ground was sufficiently divided, but the Bishop might still refuse to consecrate, and the noble Lord admitted that he could not be forced to do so.

Viscount EBRINGTON said, that as part of the clause was objected to on one ground and part on another, he would press the whole.

Mr. MALINS said, he objected to giving a power to the Secretary of State to override the authority of the Bishop) which, so long as there was an Established and Episcopal Church in England, ought to be maintained. There was a very strong feeling among a large class of persons with regard to burial in consecrated ground, and although personally he had no feeling on the subject himself, and had no desire to carry what was called intolerance beyond the grave, he should vote against the clause.

Motion made and Question put, "That the said Clause be now read a Second Time."

The House *divided* :—Ayes 26; Noes 29: Majority 3.

Bill *passed.*

CRIMINAL JUSTICE BILL— ADJOURNED DEBATE (SECOND NIGHT).

Order read, for resuming adjourned debate on Question [6th August], "That the Clause (Appeal 7 & 8 *Geo.* IV. c. 29, s. 72) be now read a second time."

Question again proposed, "That the said Clause be now read a second time."

Debate *resumed.*

Question put, and *negatived.*

Mr. M'MAHON said, he should, in lieu of the clause that had just been negatived, move to substitute the following clause—

"And, for the discouragement of frivolous and vexatious informations and prosecutions under this Act, be it enacted, that it shall be lawful for any justices or court of petty sessions before whom any case under this Act is tried, to award costs to the defendant, with an allowance for his loss of time in case of acquittal, to be paid by the prosecutor; and also, if it shall appear to such justices or court that the charge was made from a malicious, vexatious, or frivolous motive, it shall be lawful for such justices or court to award to defendant such further sum of money, not exceeding 20*l.*, as to such justices or court shall seem fit, to be paid by such prosecutor as a compensation for the injury done, and in default of payment such costs and allowances and compensations may be levied by distress and sale of the prosecutor's goods."

Clause *brought up*, and read a first time.

The ATTORNEY GENERAL said, he must oppose the clause, considering that it was most objectionable, and introducing a principle utterly unknown to the law of England.

Mr. WATSON said, he considered the tendency of such a clause would be to introduce an injurious element into the administration of the law, though he would admit that the question as to the propriety of compensating prisoners in cases of malicious or vexatious prosecutions was well worthy of consideration at some future period. He further thought that the principle on which the Bill itself was founded was bad; and that, although we were much indebted to the magistracy for the zealous and conscientious manner in which they discharged their duties, the country could scarcely have confidence in them as competent persons to be intrusted with summary jurisdiction in criminal cases.

Mr. HENLEY said, he agreed to a certain extent that the Bill was an anomalous one; but considering the evil it was intended to meet, he was of opinion that it was a wise and judicious one. As to the clause proposed, he thought it would be of the greatest injury to the prisoner.

Motion made, and Question, "That the Clause be now read a second time," put, and *negatived.*

Mr. M'MAHON said, he should now move in Clause 3 to leave out, "or larceny as a clerk or servant, or embezzlement, or obtaining property by false pretences, or attempting to obtain property by false pretences." By the clause, as it at present stood, power was given to magistrates at petty sessions to adjudicate in cases for which at present the punishment was transportation for life, a power which the quarter sessions did not possess; and he thought they ought not to have the power in the cases to which his Amendment applied.

The ATTORNEY GENERAL said,

there was a large proportion of persons who at sessions and assizes pleaded guilty, and who might have done the same thing before the magistrates, and thus they underwent a long unnecessary imprisonment. He hoped the clause would be allowed to remain, though he could not help acknowledging that there were some inconveniences attending it. With regard to the Amendment, it often happened that though in law the offences of embezzlement, or larceny by a servant, or obtaining money under false pretences, were committed, yet the amounts might be very trifling, and it was well, therefore, that the magistrates in such cases should have summary jurisdiction.

MR. WATSON said, he should support the Amendment. The clause was opposed to the general object of the Bill. Besides, magistrates were already empowered to try in cases of larceny to the amount of *5s.*, and why should they not be allowed to take a plea of guilty?

MR. BAINES said, he was of opinion that the objections of the hon. and learned Member for Wexford (Mr. M'Mahon) were to a certain extent well founded. In very clear and trifling cases he thought they ought not to subject the prisoner to a long imprisonment before trial, but they ought to give summary jurisdiction to the magistrates in such cases. But he thought the offence of embezzlement ought to be omitted from the clause. The case which was now occupying so much attention was, as he understood, a charge of embezzlement by bankers of securities. It was quite clear that was a case that ought not to be tried by a magistrate. Then, with regard to the next offence named—false pretences, the distinction was sometimes very fine, and he thought it better that that should be omitted. But he thought it desirable to retain the power in cases of larceny by servants, and also in cases of obtaining property from masters. Take the case of female servants. It often happened that a female servant was had up for having in her possession a small amount of property belonging to her master, and he had often thought it a cruel thing that there was no summary power in such cases, but that the girl was sent to prison, where she remained some time before trial, and the consequence was that the poor girl was too generally ruined. He thought, if they allowed summary jurisdiction in such cases, they would do substantial justice, which was all they could accomplish; and, after all, in a matter of this nature, the consideration

with him was, how they could attain the greatest amount of good with the least amount of evil.

MR. BARROW said, he should be sorry to see the clause altogether struck out. If the punishment were limited to three months, it would prevent the magistrates adjudicating in serious cases.

MR. HENLEY said, he trusted that the Government would consent to omit a clause which would only have the effect of placing the magistrates in an invidious position.

Amendment, by leave, *withdrawn.*

Bill *passed.*

CRIME AND OUTRAGE (IRELAND) ACT.

Order for Committee read.

House in Committee.

MR. HORSMAN said, the Government were willing to yield to a suggestion made by hon. Gentlemen opposite, and to limit the continuance of the Bill to the 1st of July next, instead of the 31st of August.

COLONEL DUNNE said, the Act had never been really applicable to any portion of Ireland. It was imposed upon districts in which no outrage had ever been committed. To pass year after year a strong measure of that kind was not the way to prevent disorder in Ireland.

The House resumed.

Bill reported, with Amendments.

LEASES AND SALES OF SETTLED ESTATES BILL.

[*Progress, 6th August.*] Order for Committee read.

House in Committee.

Clauses 1 to 19 inclusive, *agreed to.*

Clause 20.

MR. WHITESIDE said, he should move the omission of the clause. He wished to know whether it was consistent with justice, that in the event of an application being made to the Lords, and assented to by them, the present Bill should never operate with respect to that application, if, by some accident the assent of the Commons had not been obtained to it? There would be neither sense nor reason in such an enactment, which would imply that Parliament could not trust the Court of Chancery, to which it gave great powers in other cases, to judge whether in a particular instance it ought not, on facts which had satisfied the House of Lords, to consider the matter. It was impossible to comprehend that principle. He did not mean to say that there should be an appeal from Parliament to the Court of Chancery, but Parliament meant an Act of Parliament, and not the resolution or decision of a single House of Parliament. The clause was aimed at a particular individual—Sir Thomas Maryon Wilson; and it was intended to prevent the Court of Chancery ever hereafter considering the merits of his application. A more miserable thing for Parliament to do he could not conceive.

Mr. WINN KNIGHT said, that Sir Thomas Wilson's application had nothing whatever to do with Hampstead Heath, but had reference to some grass fields in the neighbourhood of the Finchley Road; and there was no reason why that land should not be built on, except the interest of some neighbouring proprietors. There was no justice in such a clause as the present, excluding a particular individual from the benefit of the Bill.

The SOLICITOR GENERAL said, Sir Thomas Wilson's Bill was rejected in consequence of a report from the Judges to the effect that what he proposed to do was inconsistent with family settlements. If the Bill had been refused on the ground that the inclosure of his own land would interfere with Hampstead Heath, then the refusal would have been most unjust; but he thought that the principle on which the present clause was founded was correct. He, however, agreed that, where an application to Parliament only failed through an accident, then the Court of Chancery should not be prevented from considering the case, and he should, therefore, propose that the clause should be amended so as to confine its application to cases where Parliament, after exercising its judgment, had refused the application.

Mr. HENLEY said, that some of those family settlements endured for forty years, and that a proposition made at one period during that term might be objectionable, and yet at another period, under altered circumstances, very proper and deserving of consideration. He consequently thought that the clause should be so altered as to allow an application to the Court of Chancery after the lapse of a certain time.

Mr. SPOONER said, he was opposed to the first part of the clause, but trusted that the latter part, requiring the publicity of applications, would be retained.

Mr. MALINS said, he thought the Court of Chancery might be safely entrusted to exercise a jurisdiction in the matter. The clause was directed against Sir Thomas Wilson, and if he should apply to the Court of Chancery the refusal of the House of Lords would be an important element in the case, and no doubt would be duly considered by the Judge. He did not see why the case of Sir Thomas Wilson should be distinguished from all other cases. He was the mere tenant for life, not having the leasing powers which were usually found in every properly-drawn settlement. He, therefore, protested against such an exceptional species of legislation, and should vote for the omission of the clause.

Mr. I. BUTT said, he thought that the Court of Chancery ought not to have the power of overriding the decision of Parliament, which would be the effect of the Bill. If the clause was struck out, upon the application of Sir Thomas Wilson to have the benefit of the Bill, no one could appear before the Judge in Equity to oppose on behalf of the public; the application to do so would fail, for nobody could have a *locus standi*. Thus the matter could be got through *sub silentio*.

Sir JOHN SHELLEY said, he should support the clause, as he thought the Court of Chancery ought not to have the power of adjudicating upon a subject with respect to which the Houses of Parliament had expressed an opinion.

Mr. WATSON said, he would suggest that the clause should be amended by limiting the prohibition to cases in which Bills had been rejected by Parliament on "public grounds." As it stood at present the clause was most objectionable.

The SOLICITOR GENERAL said, that, as to divide the Committee in its present state would only lead to an adjournment, by which the other business on the paper would be thrown over, it would be better to report progress.

The House resumed.

Committee report progress.

The House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, August 9, 1855.

Minutes.] Public Bills.—2^a Public Houses (Ireland); Public Health Act 1854) Continuance and Amendment; Diseases Prevention; Consolidated Fund (Appropriation); Exchequer Bills (£7,000,000); Militia Pay.

3^a Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment; Sale of Beer, &c.; Militia Ballots Suspension; Metropolitan Buildings; Customs Laws Consolidation; Passengers Act Amendment; Island of Tobago Loan; Ordnance Board.

PUBLIC HOUSES (IRELAND) BILL.

Earl GRANVILLE *moved* to resolve—

> "That inasmuch as the Bill for the Transfer of Licences of Public Houses in Ireland is intended to remedy a Construction of the Law in relation to the Transfer of Licences which has been but recently arrived at, the Introduction of the Bill necessarily took place at a late Period; and as the Decisions on the existing Law have been such as to be productive of much public Inconvenience, consequently the Circumstances which render Legislation on the Subject Matter of the said Bill expedient are of such Urgency as to render the immediate Consideration of the same necessary."

Lord MONTEAGLE was understood to express his disapproval of the repeated propositions to suspend the Standing Orders.

Earl GRANVILLE said, that he thought this was a case in which it was desirable to suspend the Standing Order. He would therefore move the Resolution, but he would not divide the House if any one objected.

Lord REDESDALE said, that if anything had occurred recently to make this Bill necessary, he would not raise any objection.

Earl GREY said, that rather than go on in this manner, suspending the Resolution, sometimes for one class of reasons and sometimes for another, it would be better to take the bolder step of rescinding the Resolution at once. If Government intended to persist in this plan of compelling the House to proceed with important measures of legislation at a period of the Session when it was utterly impossible for their Lordships properly to consider it—then, if that was the policy which they had deliberately resolved upon, all he could say was, that he wished they had never consented to the Resolution being placed on the Journals of the House.

Earl GRANVILLE protested against the almost unparliamentary language of his noble Friend. His noble Friend had accused the Government of intentionally forcing through the House measures to which their Lordships were not disposed to give their consent. His (Earl Granville) appealed to those of their Lordships who had been present at the discussion some little time before and subsequently to the 24th of July, to say whether his noble Friend was borne out in the statement he had made. He believed there was no man in his senses who would have agreed to the Resolution upon the Journals unless it had contained qualifying words. Upon almost every Bill in reference to which that Resolution had been suspended, communication had been had with his noble Friend the Chairman of Committees. It was only in the case of the Limited Liability Bill that there had been the slightest difference of opinion as to the degree of urgency which required their Lordships to read a Bill a second time, and the reason the Government had so large a majority on that occasion was, not that noble Lords opposite were in the country and could not be in their places, but, because a large number of Peers who were usually opposed to the Government were more favourable than opposed to the Bill: when, therefore, his noble Friend stated that the Government were forcing Bills against the will of the House, he must say that it was a gross exaggeration. If a measure for the removal of the Jewish Disabilities had been to come on that night, he felt persuaded there would be a very good attendance on the opposite side.

The Marquess of BATH said, that at this period of the Session Government had complete control over the House, and a great number of Peers had gone down into the country, because they trusted in the Resolution of the House, and thought, as he himself had thought, that there would be no matter of sufficient importance to make it necessary for them to attend; and the time that had elapsed since the Bill had been before the House did not admit of their being present to consider the subject.

Earl GREY said, that the Government, by these frequent relaxations of the Resolution, were converting it into a dead letter. Could the noble Earl give him any one instance in which the Resolution of their Lordships had stopped the progress of a Bill? It was too true that a party question would be much more potent in bringing a large assemblage of their Lordships; but he thought it was very important that they should act upon some steady principle in dealing with questions in which the interests of the nation and the honour and dignity of the House were involved. He did not believe that the Resolution suspending the Standing Order in the case of the Limited Liability Bill would have been carried in a full House.

Earl GRANVILLE said, that the noble Earl was much mistaken when he spoke of the Order in question as a dead letter. Such was not the case, for the Government had abandoned several measures in the House of Commons which they would have wished to press, in consequence of an unwillingness to risk a collision in reference to this Standing Order; and other measures were pressed forward by the Government in order to send them up to their Lordships before the Resolution of that House came into operation.

Motion *agreed to;* Bill read 2ª (according to Order) and *committed* to a Committee of the whole House *To-morrow.*

PUBLIC HEALTH ACT (1854) CONTINUANCE AND AMENDMENT BILL.

Moved, to resolve—

"That the Public Health Act, 1854, Continuance and Amendment Bill was unavoidably delayed in the House of Commons pending the Progress of other Measures which would have superseded the Necessity of the Continuance of the existing Board of Health by a separate Act; but inasmuch as the Bills now before this House do not contain any such Provisions, the Circumstances which render Legislation on the Subject Matter of the said Bill expedient are of such Urgency as to render the immediate Consideration of the same necessary."

Agreed to; Bill read 2ª (according to Order), and *committed* to a Committee of the Whole House *To-morrow.*

DISEASES PREVENTION BILL.

Moved to resolve—

"That the Diseases Prevention Bill was unavoidably delayed in its Passage through the House of Commons until the Provisions of the Nuisance Removal Bill now before this House were fully determined on, with which Measure the aforesaid Bill stands in necessary Connection; and inasmuch as the Provisions thereof are formed to protect the Country against the Spread of any formidable Epidemic, Endemic, or contagious Disease similar to that with which it was afflicted last Year, the Circumstances which render Legislation on the Subject Matter of the said Bill expedient are of such Urgency as to render the immediate Consideration of the same necessary."

Agreed to; Bill read 2ª (according to Order); and *committed* to a Committee of the whole House *To-morrow.*

LIMITED LIABILITY BILL.

Moved, That the House do now resolve itself into a Committee.

Lord ST. LEONARDS rose to express a hope that when he showed how the law at present stood, and the nature of the Bill, the Government would see the necessity of making the concession to arguments and facts which they were not disposed to yield to the small number of Peers in attendance to oppose the measure. Amongst other matters, it was desirable to consider what would be the operation of the Bill on bubble Companies. The repeal of the enactment preventing shareholders in Joint-stock Companies from transferring their shares without the consent of the other partners enabled bubble Companies, which were not actually fraudulent, to establish themselves without any check but this — that each shareholder was liable for the debts of the concern to the whole extent of his means. They were now about to get rid of that check, and to leave any bubble Company to establish itself without the slightest reason to prevent its members from endeavouring to provide for themselves at the cost of the public. Some philosophical writers thought that Joint-stock Companies were desirable to enable undertakings to be carried out for which a large capital was required, of which the profits were to be postponed, and which would be attended with great risk; but it would be most unwise to allow such Companies to be established without any limit as to capital, or the slightest provision to prevent an abuse of the power which a measure like that on their Lordships' table would confer. The law of France on this subject was said to be desirable, and that it should be adopted; and though he did not recommend the adoption of that law in this country, he begged to remark that it possessed this advantage, and afforded this check, that whoever actually carried on the business was liable to the whole extent of his means. It might be said that a man of straw could stand at the head of a considerable establishment, and that, therefore, there was no safety in the French law which the Bill before the House did not afford; but there was this further security in the French law, that if the partner *en commandite* at all interfered in the business he became liable; he therefore must be strictly a sleeping partner, taking no part in the business, but merely advancing capital to carry on the business. There was, therefore, this check—that the man who carried on the business was responsible for the whole obligations of the Company; and a man placed in that situation was more likely to carry on the business with advantage to the public and to the Company when he knew that the sole responsibility rested upon him. The Bill as it stood proposed to enable any number of persons to enter into a partnership on any capital they pleased with 10*l.* shares. But what had happened before? In 1824 or 1825 there had been a deluge of Joint-stock Companies, without any of the immunities proposed to be conferred by this Bill; and when the bubbles burst the bankruptcies were awful, and only very few of those who intrusted their money to these Companies had succeeded in saving it. Again, at a later period, there was another rush of Joint-stock Companies — some bubbles — and associations devoted to every conceivable description, and they knew the result. That experience should not be thrown away. There was no reason why the small capitalist should not be encouraged; but it was clear that Joint-stock Companies should not be created with special immunities, unless it was for the carrying out of large undertakings; and his own opinion was, that, generally speaking, commercial business of an ordinary character could not be advantageously conducted by such bodies. At the period to which he referred, however, these Companies went on trading recklessly upon the money of other people to the extreme injury of the regular trader who had only his own private means to rely on; but, after a time, they all failed, and the only one which, to his knowledge, had since been revived, was that really useful enterprise, the Parcels Delivery Company. What was the present state of the law on this subject? The Legislature had already put some check upon Joint-stock Companies, and had subjected them to some regulations. An Act, passed in the 7th and 8th of Victoria, enabled every Joint-stock Company, complying with its regulations, without applying to the Board of Trade, to become a corporation. Contemporaneously another Act was passed which allowed these Companies to be dissolved when they had become bankrupt; reserving, however, to every creditor, notwithstanding the bankruptcy, the right of maintaining his claim upon the concern against every individual member of the partnership. Powers were also ultimately given for the winding up of Companies or Associations consisting of a very small number of partners. These different Acts contained a most important series of provisions, constituting, in fact, a code of commercial legislation; and this code they were now called upon entirely to abrogate, in order to put in its place the principle of limited liability, unaccompanied by those restrictions which were indispensable to prevent it from operating serious mischief. The practice of our law had heretofore been to limit liability, subject to certain conditions; and there could be no reasonable objection, at a fitting time, to consider whether that practice could not be extended in a more effectual manner, provided due precaution were at the same time taken against the evil consequences that might otherwise flow from its adoption. In fact, the opposition offered to the present Bill originated not so much from an objection to the principle of the measure, as to the ill-considered mode in which it was sought to hurry it through Parliament at the end of the Session. They did not accuse the noble Earl (Earl Granville) of a general want of courtesy to the House, but certainly it was very much like an act of tyranny to insist on forcing this crude and ill-digested Bill upon their Lordships under present circumstances. If the measure passed in its present shape its promoters would incur a heavy responsibility; and, no doubt, many eminent Members of the other House who were friendly to its principle now coincided with those of their Lordships who desired to see it postponed until it could be properly considered. In the Bill originally introduced into the House of Commons it was proposed that there should be a limited liability in the case of Companies which had a capital of 20,000*l.*, with shares of 25*l.* each, on which 20 per cent was to be paid up. In the course of discussion this amount was considered to be too large, and the Government acceded to a proposition that the capital should be fixed at 10,000*l.*, in shares of 10*l.* each, on which 20 per cent was to be paid up; but, ultimately, all stipulations as to the amount of capital were struck out. He was not by any means inclined to put restrictions on the small capitalists; on the contrary, he was desirous, as far as possible, to advance their interests, but he certainly was not prepared to give the immunity of limited liability to Companies with no capital, or with what amounted to no capital. If the Bill, therefore, went into Committee, or if it were referred to a Select Committee, he should propose to restore to it that provision which required that all Companies trading under limited liability should have a capital of at least 10,000*l.* He was not opposed to limited liability—on the contrary, he was for it with proper checks and restrictions; and he was convinced that, if some restriction, such as that which he had just mentioned, were not introduced all sorts of small Companies would be formed, which every man who could command 2*l.* would be running to join, and the result would be that the general trade of the country would be completely deranged. He felt that he was defending the interests of the poorer classes in asking their Lordships not to agree to a Bill which, as it at present stood, would throw temptation in the way of the working man to draw his earnings from the savings-banks in order to invest them in unprofitable undertakings. Had their Lordships considered what would be the effect of the Bill on the small traders? What a great injustice it would inflict on the baker or butcher who, trading with a limited capital and unlimited liability, saw established next door to him a butcher's or baker's shop, supported by the subscribed capital of all his neighbours, and underselling him by the sacrifices which a limited liability would enable the association to make. What individual trader could bear up against such a competition? Suppose, for instance, all the domestic servants in some wealthy neighbourhood should combine to set up a baker's shop; of course they would be able to support it by giving their masters' custom to it, and every baker in the neighbourhood would very soon be ruined. In this way an entire set of tradesmen might be driven out of a neighbourhood. A real *bonâ fide* capital was the best security for the public when limited liability was sought to be established, and that security he desired to see established by this Bill. In the law, as it now stood, great care was taken to wind up Joint-Stock Companies when they had expended a reasonable amount of their capital, and in this Bill, as it was originally introduced in the other House, there was a provision of this sort, though a very imperfect one. In the Bill now before the House there was no provision for winding up any of the Companies formed under it. The first Report of the Mercantile Law Commissioners, who considered this subject, expressed an opinion against the very measure which the Government had brought forward. The Commissioners, after stating that the subject was one of paramount importance, arrived at the conclusion that the proposed alteration would not operate beneficially on the general trading interests of the country, and they added that they had not been able to discover any evidence of the want of a sufficient capital for carrying on legitimate enterprise and for all the requirements of commerce. The Commissioners also stated that they had considered the subject with respect to the benefit which it might be calculated to confer on individuals, by enabling them to obtain capital and establish themselves in business by the aid of partners, incurring a limited liability only; and they went on to say that it could not be doubted that instances occurred where men of probity would derive benefit from such a system; but they expressed an opinion that such benefit had been greatly overstated. The Commissioners ended their observations on this subject in these words—

> "With regard to those undertakings the execution of which involves an interference with the rights of property, the sanction of Parliament always has been, and still ought to be, required. With regard to others, the privilege of having a limited liability may be granted by charter, and, for the purpose of regulating the granting of charters, your Majesty's Commissioners recommend that a Board be established to decide upon all applications for them; and this Board should require in all cases compliance with certain fixed regulations."

The introduction of the present Bill by the Government interfered, therefore, with the recommendations of their own Commissioners. When persons spoke about the necessity of the freedom of capital, he would ask, what country was there in the world where capital was more free than in this? It was an abuse of terms to say that there was a want of freedom of capital; but there was a want which he should be willing to supply, to a certain extent, of a limitation of liability, upon the reasonable condition that there should be capital in a concern; yet he was not willing that a measure like the present should pass, establishing limited liability for a concern where there was no capital. Since he had had the honour of sitting in their Lordships' House, he had never shown any disposition to obstruct any really useful measure; but he felt such strong objection to the Bill in its present shape that he should oppose its passing, unless some concession were made by the Government enabling the measure to be put in a more satisfactory state. He had no desire to throw the Bill over for the Session, and he would undertake that if it were referred to a Select Committee the whole subject would be considered in three or four hours. He would for himself undertake to give no factious opposition to the consideration of the measure.

EARL GRANVILLE admitted that some arguments might be adduced in favour of referring the Bill to a Select Committee, but at the same time he thought that there were very serious objections to that course. If, as the noble and learned Lord said, the Bill could be considered in three or four hours in a Select Committee, it might also be considered in an equally short time in a Committee of the Whole House; with this Advantage, that any amendments which it might be thought desirable to propose upon a subject in respect to which, as a noble and learned Lord had said, there was a strong popular feeling, would be discussed in public. He would not pledge himself to adopt all the Amendments which might be proposed, but whatever arguments might be put forth in favour of any changes in the Bill would certainly receive his most anxious consideration, if their Lordships would allow the Bill to be considered in Committee.

LORD ST. LEONARDS considered that a Committee of the Whole House was a most incompetent tribunal to consider a question of this kind. It would be a mockery to attempt it. If the Bill was to be calmly and properly discussed it could only be done in a Select Committee.

LORD CAMPBELL said, he would most earnestly advise his noble Friend (Earl Granville) to assent to the Select Committee proposed by his noble and learned Friend in the spirit which he had exhibited. In two hours the Bill could be considered, and he had not the smallest doubt but in a very short time it would be rendered innocuous. One of the reasons why he (Lord Campbell) asked their Lordships to proceed with the Bill was that the public might be cured as soon as possible on this subject. He thought there would be great dissatisfaction should their Lordships stop the Bill in its present stage, but he was satisfied that in a Select Committee clauses might be introduced which would prevent the measure from producing mischief. It was calculated, in its present shape, to promote fraud, and he believed that it could be so altered as to make it incapable of producing mischief to the public. As a general principle, all who engaged in trade ought to be liable as contractors for the full amount of the pecuniary demands against them; but there were certain exceptional cases, such as railway and dock Companies and the like, whose undertakings could not be carried out except with limited liability. But to say that two or three persons might engage in keeping a chandler's shop on the principle of limited liability, was absurd. He had had only a slight opportunity since his return from circuit to glance over the Bill, but it seemed to him to be one that would enable two or three, or half a dozen, to engage in a chandler's shop with 20*l.* capital. [Lord GREY: A capital of 10*s.*] He had been a long time a Member of their Lordships' House, and he could say that no good was done in general to a Bill in a Committee of the Whole House; but in a Select Committee the service that a Bill received could not be exaggerated. To refer a Bill to a Select Committee of their Lordships' House was the way to pass a measure, whereas to refer a Bill to a Select Committee of the other House was the way to destroy it. His noble and learned Friend recommended that they should consider this Bill in a Select Committee, and if that were acceded to, the Committee could meet to-morrow, and he hoped that in the course of four hours they would be able to come to an understanding, and make it conform to the principles on which they were agreed and which had been recommended by the Commissioners.

EARL GREY said, he was extremely glad to hear what had fallen from his noble and learned Friend, because it gave him high authority for moving an Amendment to the Motion that the Bill be committed, that the Bill be referred to a Select Committee. He could assure their Lordships that if they assented to that proposition and should do him the honour to place him on the Committee, he would do everything to promote the Bill's passing in the present Session; but he could not be so sanguine as to think that it could be brought into the shape in which it could pass with safety to the public in the course of a few hours. He had been so taken by surprise by the intention of the Government to proceed with the Bill at so late a period of the Session, that when he addressed their Lordships on Tuesday evening, he had not been able to make himself acquainted with the details of the measure. He had now to some extent supplied the deficiency, and must profess his astonishment that such a Bill should have passed through the other House, and could now be recommended to their Lordships. It was a remarkable circumstance that the House was called upon to adopt a Bill which would establish the principle of limited responsibility, against the opinions of every person, so far as he knew, who had paid attention to the subject. He found from the Report of the Commission that a learned Scotch Judge, Lord Curriehill, had remarked that limited liability appeared to have some peculiar tendency to the encouragement of fraud, because in every State in which that principle prevailed it was only permitted, subject to the severest checks that could be imposed. He (Earl Grey) had referred to the evidence taken by the Commission, and he found that every witness, even those most in favour of the principle of limited liability, agreed as to the necessity of introducing the most stringent precautions to guard against fraud. This Bill contained no provisions whatever to guard against fraud, which experience and authority proved partnerships of this kind were calculated to produce. It was absolutely necessary some restrictions should be introduced. As the Bill now stood three persons might form a Company. The number was governed by a clause taken from the Joint-stock Companies Act. That Act required that a Joint-stock Company should have not less than three directors, who must be shareholders, and, therefore, under this Bill a Company could not consist of less than three shareholders; but there was nothing in the Bill that he could discover which required a greater number of partners than three. Thus, three persons, upon going to the registrar and declaring they had subscribed a certain amount of capital, of which a certain portion was paid up, would be at liberty to establish a Company. They might be convicts, only discharged the preceding day, after having undergone punishment. They might be persons who had failed and paid 6*d*. in the pound upon large liabilities, and who had been refused any certificate by the Court of Bankruptcy. He knew a Joint-stock Company which had been applying to the Board of Trade for a charter, one of the promoters of which was a person in that precise situation. There were no means whatever of ascertaining the accuracy of the statements made by persons going to the registrar and setting up a Joint-stock Company under this Bill. Was it fit or decent that with so little authority any Company should be allowed to be established? A Company might be established by men having a large amount of capital, but who wished to employ their capital for dishonest purposes. In the metropolis a very large amount of capital was invested in the extremely dishonest trade of receiving stolen goods. The possession of wealth so little implied the possession of honesty that very possibly Companies would be formed the object of which would be to defraud and plunder the public. He wished to point out the facilities for their operations which this Bill afforded. They might embark in a very large business, either manufacturing or mercantile, carry it on with all the outward appearances of wealth and stability, pay all demands for a considerable time, divide large nominal profits, and yet the whole concern, from first to last, might be a gigantic swindle. They might be carrying on business wholly at a loss, and obtaining, by dividends out of capital, far larger sums than they originally invested.

They might put in their pockets a large amount of money they had received from other parties, and, retiring from the Company when concealment was no longer possible, be perfectly free from any pecuniary responsibility. That was perfectly easy, because the only check whatever provided by this Bill was the necessity of presenting a balance sheet and report from auditors. But the auditors were appointed by the Company themselves, and persons establishing a Company for fraudulent purposes would take care to appoint auditors who were in the plot, and the auditors would take care not to let that appear which was wrong. It was often matter of doubt what charges should be carried to revenue and what to capital account, and many men had been brought to ruin by using that which seemed to be profits, but was really capital. With perfect good faith it might easily happen; but when there was bad faith—when it was the object of those who presented the accounts to conceal the truth—when those accounts were not submitted to independent auditors, but to auditors in collusion with fraudulent directors—what security was there in a balance sheet being required by this Bill? Then, again, let their Lordships look at the injustice in the operation of this act towards the honest trader. A fraudulent Company, meaning to absorb its capital in ten or fifteen years, and carrying on business upon that principle, could afford to undersell the honest trader and drive him out of the field. Any branch of trade taken up by such a Company would be engrossed. The public for the moment would be gainers by having cheap goods provided for them; but in the end they would severely suffer. When the Company was broken up, the honest producers would not be able to take the place of the bankrupt concern, the whole trade would be disturbed and the public would be deprived of the proper supply which it required. It needed very little ingenuity to point out many different modes in which fraud might be committed, but if he were to do so he should be trespassing most unwarrantably upon their Lordships' time, and he would therefore content himself with having shown that there was one plain and obvious mode by which fraud could be committed. He, therefore, asked their Lordships to introduce such Amendments as would deprive the Bill of those mischievous tendencies which were inherent in the principle of limited liability unless sufficient checks were provided; and this could only be done by a Select Committee. The Amendments which he was anxious to introduce into the Bill would be included under six different heads. Under the first, he proposed that some provision should be made in the Bill for providing an independent audit in the case of all Joint-stock Companies formed under this Act. There could be no objection to the principle of that provision, for the noble Lord the President of the Council had himself, on more than one occasion, endeavoured unsuccessfully to introduce a like provision in the cese of Railway Companies. Under the second head he proposed to re-introduce into the Bill the provisions which the Bill contained when it was first introduced by Her Majesty's Government, to the effect that when 75 per cent. of the original capital had been lost, the Company should be dissolved, and in the event of the directors continuing to carry on business after that proportion of capital had been so lost that they should be liable to severe penalties. Government could of course offer no objection to that provision, seeing that it was one which they had originally inserted in the Bill, in which he now proposed to re-insert it. The provisions under the third head would be to the effect that directors who declared a dividend in any Company which was insolvent, or should make a Company insolvent by declaring and paying a dividend, should be liable in their whole property for the debts of the Company. Provisions similar to these existed in the law of Massachusetts with respect to all Companies formed with these privileges, and he did not see how any one could object to such a provision. The fourth head would include provisions to the effect that notes or obligations of shareholders should not be considered part payment of any subscribed capital of a Joint-stock Company. This, also, was part of the law which existed in Massachusetts. The clauses under the fifth head would provide that the debts of the Company should not at any time exceed the capital stock of the Company. Under the sixth head, it was provided that the directors should become personally responsible for the debts of the Company, if they were guilty of making any false statements or false representations of the state of their affairs to the public. He would ask their Lordships if it were possible in a Committee of the Whole House to discuss with advantage or effect provisions for the accomplishment of these important objects? It was the duty of the Government, if they were determined to recommend this great change in the commercial law of the country, to have submitted the proposal in the form of a complete digest of all the laws on the subject of Joint-stock Companies, and not to have left the matter in the vague and uncertain state in which it would be if this Bill were allowed to pass in its present state. Looking at the extent of the changes which he considered necessary, and the extreme difficulty in providing for and giving effect to these provisions, he certainly was not so sanguine as the noble and learned Lord behind him (Lord Campbell) had been, that it would be possible in a select Committee, in the course of four or five hours, to deal with the subject, and to make all necessary Amendments; he would, however, if the Committee were appointed, do the best he could to facilitate the carrying out those provisions which he considered absolutely necessary, and to improve the Bill as much as possible—though he confessed he thought it quite unimprovable. One reason which had been given by the noble Earl for pressing the Bill was, that the public were impatient for legislation on this subject, and he supposed it was, therefore, intended that a practical proof should be given them of the delusion under which they were labouring. But he had always supposed one of the main functions of that House was to check hasty legislation, and to take care that inconsiderate clamour for a particular measure was not mistaken for that well-considered public opinion to which both Houses of Parliament ought to give way. If Amendments were introduced in the Select Committee, they would have to be reprinted, and two or three days ought then to be given for their consideration by the House and the country. Could that be done when the Appropriation Bill had been read a second time? It was almost impossible; but, if their Lordships were determined to pass the Bill, let them at any rate endeavour to render it innocuous by referring it to a Select Committee.

Amendment *moved*, to leave out from the word "That" to the end of the Motion and insert "be referred to a Select Committee."

Lord STANLEY of ALDERLEY said, that although he had been somewhat influenced by the speeches of the two noble and learned Lords (Lord St. Leonards and Lord Campbell) yet the speech of the noble Earl (Earl Grey) had convinced him that it would be utterly useless to refer the Bill to a Select Committee. His noble Friend had hardly given a fair statement of the opinions of the Commissioners, only five of whom had signed the Report, which was certainly one of the most contradictory and unsatisfactory Reports he had ever read, being a mere balance of opinion throughout. He would however read a few passages from the Report of one of them, Mr. Bramwell, whose opinion on this subject was entitled to great weight. Mr. Bramwell said:—

> "If ever there was a rule established by reason, authority, and experience, it is that the interest of a community is best consulted by leaving to its members, as far as possible, the unrestrained and unfettered exercise of their own talents and industry. Our modern legislation has been founded on this principle, with the sanction of the immense majority of those whose opinions are of any value."

Earl GREY said, that Mr. Bramwell also stated his entire concurrence with another of the Commissioners, Mr. Kirkman Hodgson, who condemned the principle of a *société anonyme* without certain restrictions.

Lord STANLEY of ALDERLEY said, he would also read a passage from the opinion given by the gentleman to whom his noble Friend had referred. Mr. Kirkman Hodgson said:—

> "This country is now, I believe, almost the only one in which this law of limited liability does not exist. It prevails in all those with which we have the most extended and important intercourse, and this isolation acts very injuriously in many cases to the English merchant. I could mention whole trades which, thirty years ago, were entirely carried on by English houses, in which at the present moment scarcely one is to be found; their places have been entirely supplied by foreigners, who establish branches of their houses here and in the manufacturing districts, while the main establishments (almost all under the *commandite* principle) are abroad."

He admitted that there were many passages in these Reports which were not favourable to the Bill; but since 1853, when they were drawn up, public opinion had much advanced with regard to this question. He had not heard any of their lordships, with the exception of the noble Earl (Earl Grey) adduce any arguments in opposition to the principle of Limited Liability, and many of the objections which the noble Earl had brought forward in opposition to the details of the Bill were perfectly unfounded. Among other things, the noble Earl said that there was no limit to the number of partners in a Joint-stock Company—but it was a mistake to suppose that any two or three people might form a partnership under the Bill, for the *minimum* number of persons who could do so was twenty-five. The noble Earl seemed to think, because the conditions of the Joint-stock Companies Act were not recited in this Bill, that there would be no conditions imposed by this measure on the establishment of Companies based on limited liability. That was entirely a mistake. The first clause of the Bill declared that any Joint-stock Company formed under its provisions would be entitled to the privileges of limited liability only under certain conditions, and all the restrictions of the Joint-stock Companies Act against fraudulent associations and bubble schemes would apply to the partnerships created under this Bill. The Joint-stock Companies Act, no doubt, might be capable of improvement; and, if he continued to hold his present office, it was his intention next year to introduce a Bill to amend that measure in points that past experience of its working had suggested, to simplify the proceedings under it. The noble Earl said that gigantic frauds might be committed by bodies of directors under this Bill, but similar frauds were equally possible under the existing state of the law; and, so far from this change having a tendency to encourage bubble Companies and fraudulent enterprises, it was likely to check them; because at present the public were induced blindly to trust to the appearance of a few wealthy names, placed as decoy ducks at the head of unsound undertakings, believing that, however badly the business might be conducted, they could always, in case of default, come upon the richer partners, who were unlimitedly liable; whereas, if it were understood that the liability was limited, men would feel that it was only by prudence in the management of their business that they could keep themselves safe. With regard to the noble Earl's six or seven different propositions, if they were to be all fully discussed, as he suggested, the Bill could not emerge from Committee for weeks. If, however, any additional securities could be introduced into the measure, the Government would be happy to consider them in that House. Bills involving a vast variety of details and much machinery were, no doubt, advantageously referred to select Committees; but this measure was almost entirely composed of the principle, and the question whether the parts of it which were omitted in the other House should now be restored might be as well discussed in that House as upstairs in a Select Committee. The adoption of the course recommended by the noble Earl would also be most unwise, and would create much misapprehension in the country, by whom it would be considered that the object of sending it to a Select Committee was to destroy the Bill, and not to improve it.

Lord MONTEAGLE complained of the disingenuous manner in which the arguments for referring the Bill to a Select Committee had been met. The noble Earl (Lord Grey) who suggested that proceeding had not condemned the principle of limited liability, under all circumstances; but he wished to examine carefully whether it was proposed in this Bill to apply it in a form that would be safe to the commercial community; and he argued, most justly, that it was necessary for the purpose he had in view to subject the Bill to the calm discussion and examination of a Select Committee. The noble Lord the President of the Board of Trade had quoted the opinions of one of the Commissioners in defence of the Bill; but the Bill recommended differed evidently from that before the House. Mr. Bramwell considered that limited liability ought to be accompanied with efficient safeguards and restrictions; no such safeguards were here provided. The Government themselves had recognised the same necessity, for in their Bill, as originally introduced, they had inserted checks and safeguards, which most unfortunately had been expunged from the Bill now recommended to their Lordships. With respect to the alleged advantages to be derived from the operation of this Bill, in its effect and ordinary commercial undertakings, he thought such favourable anticipations altogether unfounded, for there was not an instance on record of the successful application of a chartered joint-stock principle to ordinary commercial objects which could be carried on by private enterprise; it is only when the nature and magnitude of an enterprise is beyond the reach of an ordinary partnership. The most striking illustration of such failure of the joint-stock principle applied to commercial pursuits was that of the East India Company, which had notoriously failed as a commercial undertaking. He felt great alarm at the principle on which this Bill was defended in another place. A most unfortunate delusion had, for the first time, been held out to the community of England as a truth. It was suggested that there was an opposition of interest between the capitalist and the industrious classes, thus representing the capitalists as the enemies of productive labour. The arguments professing to be drawn from experience are equally fallacious. If foreign authority was appealed to in favour of the principle of limited liability it ought not to have been relied upon apart from the precaution with which that principle was guarded in foreign countries; for instance, it behoves Parliament to consider and to adopt the precautions with which it was wisely associated by law in America. He doubted, even with these precautions, whether the principle was so successful in the United States as was pretended; compare the commercial character, the state of credit, and the transactions on the Broadway at New York and in England, and he would ask which of the two countries stood the highest in respect to all that characterised its commercial men? It was said that the state of things in France was a recommendation in favour of the proposed change. It was asserted that there was a great deal of capital uninvested in this country which this Bill, and the Companies formed under it, was expected to bring into action. But was there not also much unemployed capital in France, where the principle of limited liability existed? But had the limited liability principle called into action all, or any great part, of the unemployed capital of the latter country? What had recently occurred there? Why, that there was such a mass of unemployed capital lying in the hands of small proprietors in France, that 176,000,000*l*. had been tendered as a subscription by them towards the last open loan. French capital had thus been previously lying dormant, at a time when the principle of limited liability was in full operation, and had long been sanctioned by law. The events, therefore, that had recently taken place in France went to disprove the supposition that the adoption of the principle of the *société anonyme*, or *société en commandite*, would necessarily call out and keep in activity the unemployed capital of this country, if such unemployed capital were proved to exist. He believed the effect of the Bill would be, that a certain amount of capital, not now in a latent or dormant state, would be diverted by gambling speculations from the better purposes in which it was now employed. It was said that people should be allowed to take care of themselves, and that their own interests would lead them to decide on the course they thought best. If this were universally true, what right, then, had the Legislature to interfere with lotteries? But it had so interfered, and enacted that no lottery should exist in this country, even for the *bonâ fide* purposes of disposing of property, or for the profit of the State. Since the time of the South Sea Bubble the commercial legislation of Parliament had been directed to curb the spirit of gambling, little goes, bubble Companies, and fraudulent auctions; and he hoped Parliament would not now for the first time take a step in the contrary direction. He also contended that this Bill, instead of benefiting the poorer classes, as had been urged in its favour, would do them harm. They would possibly see Companies created under this Bill; but what description of Companies? The payment of a few shillings on shares would be sufficient to bring a Company into activity. Did their Lordships believe that these bubble Companies would be got together for the purpose of carrying on a trade? No; one object would be to organise a paid staff of officials who would make a profit on the mere salaries they would receive. Again, another class of men would engage in these Companies, not for the legitimate purposes of trade, but for the purpose of making a traffic in their shares. These and other abuses were proposed to be guarded against by the Government Bill, as introduced into Parliament. But in an evil hour they had been induced to abandon their deliberate intentions, and to adopt the present Bill. Yet, even under these circumstances, the proposal is not to reject the Bill, but to examine its provisions carefully. He thought so reasonable a proposition as that of his noble Friend (Earl Grey) for referring this Bill to a Select Committee could hardly be resisted with common decency. There would be a greater loss of time in discussing the measure in a Committee of the whole House than there would be in discussing it in a Committee up stairs. But the Bill is said to be recommended by its popularity. If this argument were sound, on what evidence does it rest as a fact? What petitions had been presented to their Lordships' House in favour of this Bill? He knew of none; nor did he know of any great commercial authority which had recommended the measure now under consideration for their Lordships' adoption, creating, as it did, a limited liability without the addition of any sufficient safeguard or protection. On those grounds he should support the Motion of his noble Friend (Earl Grey), and should he be placed on the Committee, which it was proposed to appoint, he should endeavour to render the Bill, if not useful, yet, at least, as innocuous as might be.

LORD REDESDALE said, he should support the motion that the Bill be referred to a Select Committee, because he was most anxious that if the Bill was to be proceeded with at all in that Session, all necessary amendments should be introduced into it in order to make it a safe measure; and he thought that some provision should be inserted, as a protection to poor persons, preventing very small Companies being set up under the Bill, for, otherwise petty Companies of all kinds would be set afloat by lawyers for the purpose of getting long bills paid to them for their services in promoting the schemes. The more he examined the Bill the more he was convinced that it was inconsiderately prepared, and that it required the greatest possible Amendment. Existing Companies would be permitted to come within the operation of the Bill, but no provision was made to ascertain their solvency. Many of the registered Companies now existing consisted of 5*l.* shares, but under the proposed law those shares must be doubled in amount. He conceived it would be a great hardship to compel the shareholders in those Companies to double the amount of their shares and thus double their liability, and some provision should be made to meet that case. He then came to the third clause, which permitted existing Companies to adopt the principle of limited liability, and he found that no provision was made as to the amount of their shares nor for any inquiry as to their solvency. He thought it highly necessary that there should be a strict independent audit of the affairs of existing Companies. He would propose, if the House went into Committee, to add a clause to the effect that some reserve should be formed to meet the liabilities of Companies in the event of insolvency. He thought that 20 per cent. upon the amount of the shares should remain uncalled up until the Company should be wound up or found to be insolvent. That was the least protection that could be afforded to the creditors of those Companies. He considered, also, that a public audit was necessary to prevent the payment of large dividends out of capital with a view to raise the value of shares in the market, although the Company might be practically insolvent at the time. It was impossible at the present moment to give notice of all the Amendments which the Bill required, but he should propose to add at the end of the Bill a clause, that nothing contained in the Act should exempt any Company from any provisions in any future Act of Parliament which might be passed for the better regulation of such Companies. He then came to Clause 8, which related to the mode of proceeding to execution against Companies, and he found that it differed from the provisions in the Joint-stock Companies Act, inasmuch as in the latter execution was to issue upon the order of the Court, or of a Judge of the Court in which proceedings were taken, while the present Bill only permitted execution to issue upon the order of the Court. The consequence of the variation would be that, as no order could be made by a Judge at chambers, no proceeding for execution could be taken during the long vacation. The alteration would also increase the expense to creditors. The Bill did not prescribe any qualification for directors, who might be persons holding only single shares, and whose liability would consequently be of the most trivial description. He was satisfied that whatever pains they might take in a Committee of the whole House, it would be impossible to bring the Bill into a satisfactory shape. It would be impossible to discuss Amendments or new clauses, for noble Lords had not had time to prepare them. He thought the least the Government could do was to adjourn the consideration of the Bill to another day, by which time Amendments might be prepared. He hoped the speech he had made in asking a question upon this subject would be answered, and some explanation given why the Government treated that House differently from the other House of Parliament, where measures, sent down by their Lordships at an early period of the Session, were now withdrawn, upon the ground that there was not time fairly to consider them. The true principle of all legislation was to legislate carefully, and not send forth crude and improper measures upon important subjects. No one could doubt this was an important subject, and he entreated the Government either not to press the Bill at present, or to accede to the proposition of the noble Earl and grant a Select Committee.

Earl GRANVILLE said, he had a public duty to perform, and it appeared to him, after what had taken place, it was impossible to agree to the proposition of his noble Friend; for nothing could stultify the House of Lords more than to ask it one day to pass a Resolution that this was a measure of urgency, and the next day to say, it was no question of urgency whatever, and the Government were quite prepared to withdraw the Bill. The question of referring it to a Select Committee had been put very fairly by the noble Lord (Lord St. Leonard's) who was in favour of limited liability and wished to bring the subject to a satisfactory settlement. That course was also supported by his noble and learned Friend (Lord Campbell), who, however, let fall the rather ominous expression, that the object was to make the measure perfectly innocuous, or, he feared, in other words, entirely to destroy its efficiency. With regard to his noble Friend (Earl Grey), there was hardly a person in that House whom he was more sorry to see against, or glad to see with him. His noble Friend, however, like most men of active minds, was apt to raise objections, and when he did object to a measure nothing escaped his clear and comprehensive mind, which, like the trunk of the elephant, was capable of taking up the largest or the smallest things at pleasure. It was only two days ago that his noble Friend said he absolutely knew nothing of the Bill. He had his misgivings at the time that his noble Friend would in twenty-four hours find some objections, but he was hardly prepared for the utter denunciations of limited liability and of the Bill with which the noble Earl had favoured them, that the Bill was utterly unimprovable, and, although he would do his best to improve it in a Select Committee, it was almost hopeless. He asked their Lordships whether that speech was very encouraging to one who felt it his public duty to insist upon passing this Bill? He was aware of the value of a Select Committee, but he was not sure that this Bill was very well suited for it. The Bill adopted the principle of limited liability. The chief safeguard was publicity, and that was insisted upon in the Bill. Every suggestion of further safeguard would, he believed, be entirely illusory, giving great impediments to shareholders, while it encouraged creditors to think there were safeguards to which they might look, instead of regarding all these Companies with suspicion, and only trusting them when they saw their business conducted in such a manner as it would be by honourable men. The description given by his noble Friend of a Company formed for the mere purpose of defrauding the public, going on, not for six or twelve months, but for ten or fifteen years, all the original proprietors making immense fortunes, and the Company then voluntarily becoming bankrupt, was the greatest stretch of imagination he had ever heard. He believed this House was fit to deal with matters in Committee of the Whole House. He could not see in what single respect it was inferior therein to the House of Commons. Their Lordships were certainly calm and patient, and among them were some men well conversant with the business and forms of legislation. If it were to be settled that all important Bills were to be discussed in secret in that House, why should not the same principle be adopted in the House of Commons. The public would then only hear the great principles on which a measure was founded, and would know nothing of the arguments which produced certain decisions on particular clauses. Everybody who had recommended the Bill being referred to a Select Committee had done so with the view to introduce restrictions, and, if restrictions were to be introduced, he was quite sure the large mass of the middle classes ought to be well informed of the arguments upon which they were adopted. For these reasons, and not from any want of respect to their Lordships, he must oppose the going to a Select Committee.

Lord CAMPBELL said, the problem was to find a legislative measure which would allow of the formation of an association on the principle of limited liability without application to the Board of Trade, to Parliament, or to the Government for the time being. He (Lord Campbell) was under the impression that the measure would lead to infinite litigation, and if his noble Friend had made up his mind that there should be no Select Committee, he (Lord Campbell), if there was a division, would certainly divide with the noble Earl.

Lord ST. LEONARDS believed that if the Bill were referred to a Select Committee for two or three hours the Bill might be made satisfactory to the country.

On Question, Whether to agree to the said Amendment? Their Lordships *divided*:—Content 11; Not Content 28: Majority 17.

List of the Content.

EARL.
Grey
VISCOUNT.
St. Vincent
BARONS.
Campbell
Monteagle
Redesdale
Dynevor
Hawarden
Harrington
St. Leonards
Wynford
Waldegrave

Resolved in the *Negative*: The original Motion *agreed to*, and House in Committee accordingly: Then it was *moved*, That the House be now resumed, objected to; and after Debate, the said Motion was (by leave of the Committee) *withdrawn*.

Clause 1.

Lord MONTEAGLE moved an Amendment to the effect that the capital of a Company established under the Act should not be less than 10,000*l*., divided into shares of not less than 25*l*. each.

The LORD CHANCELLOR opposed the Amendment on the ground that it could do no good, but would tend to prevent people who had dealings with these Companies from looking after their own interests, by giving them a false impression as to the capital of such Companies. He considered all these proposed safeguards to be mere illusions, and that if the Bill ought not to pass without them it ought not to pass at all.

Lord CAMPBELL supported the Amendment as affording a protection to the small trader against petty rivalry. The proposal had actually been in the original Bill, but the House of Commons had struck it out;—that, however, was no reason why their Lordships should not reinsert it.

Earl GREY thought no good argument could be urged against this Amendment, and that the objection which the noble and learned Lord (the Lord Chancellor) had stated to it, if sound, would equally apply to the entire Bill.

The Duke of ARGYLL thought there was no good argument in favour of the

Amendment. He denied that it was a function of Government to say that there were certain trades which it was better to carry on by Joint-stock Companies, and others which it was not. How was it possible to draw the distinction? They ought not to dictate either to Companies or to individuals what trades they were or were not competent to carry on. He was astonished at the arguments brought forward by the noble Earl against what he considered to be the principle of the Bill.

Lord ST. LEONARDS said, he was astonished that the noble Duke should say there was no good argument for the Amendment, seeing that the Government had themselves proposed 20,000*l.*, which they afterwards reduced to 10,000*l.* Now, however, the Government disclaimed their own performance. The measure must surely have been a Cabinet one, yet the noble Duke appeared not to have been cognisant of its provisions. As to Parliament having no right to interfere in such matters, the noble Duke forgot that the very object of this measure was an interference with property, seeing that it took away a part of the security which creditors now enjoyed.

Lord CAMPBELL said, that in trading transactions unlimited liability was the rule, and limited liability the exception, and every person should be bound to fulfil his contracts to the utmost extent, unless he could show good reason why he should be indulged with limited liability. He was of opinion that under the circumstances the Amendment to fix the minimum capital of these undertakings at 10,000*l.* ought to be adopted.

The LORD CHANCELLOR said, that if a number of persons joined together and made a certain stock liable for their engagements they fulfilled their contract; and the object of the Bill was to enable them to enter into a limited instead of an unlimited engagement.

On Question, their Lordships *divided;* Content 9; Not Content 18; Majority 9.

Earl GREY then proposed an Amendment, to the effect that Companies should consist of not less than twenty-five shareholders.

Lord STANLEY of ALDERLEY agreed.

Clause, as amended, was *agreed to.*

Clause 2.

Earl GREY proposed to add in line thirty-five, after the word "liability," the words "after the affairs of the Company shall have been audited by some person appointed by the Board of Trade, and a certificate from the said Board that the complete solvency of such Company has been established to the said auditor's satisfaction."

Amendment *agreed to;* clause as amended, *agreed to.*

Clause 3, with a similar Amendment, *agreed to.*

Clause 4.

Lord CAMPBELL proposed an Amendment to the effect that all negotiable securities issued by Companies with limited liability should have that fact mentioned on them.

Amendment *agreed to;* clause as amended, *agreed to.*

Clause 5.

Earl GREY objected that the clause did not, in its construction, provide that a surplus should be in the hands of Companies beyond their liabilities. He held it as a principle that all Joint-stock Companies should have a fixed property beyond their fixed capital, upon which their creditors could come. He should, therefore, move as an Amendment, "That there be 20 per cent of the capital retained as a reserve fund, to meet any liabilities of the companies."

Earl GRANVILLE objected to the clause, because its only effect would be to make the shares 20 per cent more than was required. It was much better that the creditors should not look at all to these safeguards.

Lord CAMPBELL thought the Amendment contrary to the principle of the Bill.

Lord MONTEAGLE submitted, that every well-conducted Company should make a reserve.

The Duke of ARGYLL said, they might make a reserve for trading purposes, but this clause would keep 20 per cent from the operations of the Company for the sake of the creditors.

Amendment *negatived;* clause *agreed to.*

Clause 6.

Earl GREY said, there had been a practice on the part of some Joint-stock Companies to make delusive and fraudulent dividends, and the only check would be to institute an independent audit. He should propose to adopt as his model the Bill introduced by the noble Earl (Earl Granville) on the subject of railways, and to move the insertion of a clause providing that the Commissioners for Auditing the

Public Accounts should appoint competent persons from time to time to audit the accounts of Joint-stock Companies entitled to limited liability. If this clause were adopted, he purposed to follow it up by another, giving the necessary powers to the officers so appointed.

EARL GRANVILLE doubted, whether the two cases of railways and the Companies to be formed under this Bill were analogous. It would be impracticable to have a system of audit for these associations of the kind he had once proposed for railway Companies.

LORD MONTEAGLE believed, there would be some difficulty in instituting an independent audit of these Companies, but the experiment was worth trying.

LORD CAMPBELL thought, there would be greater difficulty in carrying out a system of audit with these Companies than with railways.

LORD DENMAN saw no objection to the appointment of one independent auditor.

LORD STANLEY OF ALDERLEY thought increased expense would be entailed on the Companies by the adoption of the noble Earl's proposition.

EARL GREY could not understand how his Amendment could involve any additional expense. Its object was to correct an abuse which was known to exist, and no valid objection to it had been stated.

In reply to LORD CAMPBELL,

EARL GREY stated that, if his Amendment should be adopted, he proposed to follow it up with a clause conferring upon the auditors the same powers which were possessed by the auditors appointed under the Joint-stock Companies Act.

LORD CAMPBELL thought that if there was to be an audit, it was imperative that it should be of an independent character, and the appointment of auditors by a public department would not involve any greater difficulty or expense than would be incurred by the appointment of auditors by the Companies themselves.

On Question, their Lordships *divided*; Contents 10; Not Contents 18; Majority 8.

List of the CONTENT.

EARL.
Grey
VISCOUNT.
St.Vincent
BARONS.
Campbell
Denman
De Mauley
Monteagle
Redesdale
Hawarden
Dynevor
Wynford

EARL GREY, adverting to the diminished number of Peers in attendance, moved that the House do now resume.

After a short discussion on Question, resolved in the *negative*.

Clause *agreed to*.

Clause 8 *agreed to*.

EARL GREY then moved to insert a clause providing that if the directors of any Company formed under the Bill declared and paid a dividend when the undertaking was insolvent, they should be jointly and severally liable for the whole of the debts of the Company; exemption, however, to be allowed to any director who was proved to have resisted the declaration of such dividend. A provision of this kind had been found necessary in America and in other countries where limited liability prevailed.

LORD STANLEY OF ALDERLEY opposed the clause on the ground that it created a difference in the liability of shareholders and directors, and said that if it were inserted there would be great difficulty in getting respectable persons to become directors.

EARL GREY said, that a similar provision was in force in all other countries in which the principle of limited liability was in force.

LORD DENMAN observed, that no respectable directors would ever be guilty of such conduct, but it was exceedingly desirable to introduce such safeguards into this Bill, notwithstanding its coming on so late, as would render limited liability as safe in England as it is in France and America, where the law of bankruptcy is exceedingly severe, and fraudulent bankrupts are returned by extradition from this country to France, while no law renders our bankrupts liable to the same consequences. No doubt "*silent leges inter arma*," but it is not too late to make this a most beneficial measure, and both safety and honesty will be forwarded by this Amendment, which, proceeding from whichever side of the House it might, he (Lord Denman) would have felt it his bounden duty to support. The great principle is that of the motto inscribed on the Town Hall of Verviers, in Belgium, "*Publicitas salus populi*," and directors will, like the *commandites* in France, and the heads of firms having special partners, in America, each of whom is constantly so liable, become liable to the full amount of their fortunes, if they unfairly and secretly risk the property entrusted to them, on limited liability; while the creditors will be more ready to trust those who have a paid-up capital and a considerable share of responsibility for its management.

THE LORD CHANCELLOR said, that he did not see any objection to the clause.

Clause *agreed to.*

EARL GREY then proposed the addition of a clause, declaring that no note of hand given by a shareholder should be considered as payment of capital stock—that no loan should be made to a shareholder—and that any officer of a Company making one should be liable to the full extent of the sum so lent.

Clause *agreed to.*

EARL GREY then moved a clause, enacting that no Company should be allowed at any one time to contract liabilities to a greater amount than their capital.

After a short conversation,

Clause *withdrawn.*

EARL GREY then moved a clause, adopted, like the former ones, from the laws of the State of Massachusetts, subjecting the directors or officers of any Company to unlimited liability in case they were guilty of wilful false representation in any notice or account given or rendered by them in pursuance of the provisions of this or any other act.

THE LORD CHANCELLOR said, he did not object to the principle of the clause, but he thought that the wording would require alteration.

EARL GREY said, under those circumstances he would withdraw the clause, and propose it in an amended form on the bringing up of the Report.

Clause *withdrawn.*

Clauses 9 and 10 *agreed to.*

LORD MONTEAGLE moved a clause directing the winding up of the affairs of any Company which had lost three-fourths of its subscribed capital.

THE LORD CHANCELLOR opposed the clause as unnecessary. The winding-up Act would meet the case.

Clause *agreed to*; as were also clauses 11 and 12.

Clause 13 and 14 *struck out.*

Preamble *agreed to.*

House resumed.

LORD REDESDALE hoped that sufficient time would be given for the consideration of the Report, and with that view he proposed that the Bill should be reported on Monday.

EARL GREY agreed in every word that had fallen from his noble Friend.

After a few words from Lord CAMPBELL,

EARL GRANVILLE suggested that the third reading of the Bill should be fixed for Monday, and they would then have ample time to consider the Amendments.

EARL GREY protested against an important commercial measure of this kind being forced through the House without time for consideration.

EARL GRANVILLE considered that no Bill had received more consideration during the Session. No Bill had been more fully discussed in detail, or with more ability.

The Report of the Amendments to be received *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, August 9, 1855.

MINUTES.] NEW WRITS.—For Kidderminster, *v.* Robert Lowe, esq., Vice President of the Board of Trade; for Kilmarnock, *v.* Right Hon. Edward Pleydell Bouverie, President of the Poor Law Board; for Hertford, *v.* Hon. William Francis Cowper, President of the General Board of Health.

PUBLIC BILLS.—3° Charitable Trusts; Union of Contiguous Benefices; Crime and Outrage (Ireland) Act Continuance; School Grants, Security for Application.

LEASES AND SALES OF SETTLED ESTATES BILL.

[*Progress, 8th August.*] Order for Committee read.

House in Committee.

Clause 20.

MR. WHITESIDE said, he objected to the clause. He was satisfied that no judicial member of the other House had seen and scrutinised the clause in question, which, it could not be disguised, referred specially to the case of Sir Thomas Wilson, who was the proprietor of Hampstead Heath, and who, it was stated, intended to enclose that heath. Now he (Mr. Whiteside) had a map of Sir Thomas Wilson's estate at Hampstead, and the farm, marked A and B on the map, was the site on which he proposed to build, but which farm was one mile and a-half from Hampstead Heath. Sir Thomas Wilson had previously granted to the parish of Hampstead a right to make a public road through his farm on one side, and a railway passed through it on the other side. All, therefore, that Sir Thomas wished to do was to build on the remaining portion of the farm. The opposition offered to Sir Thomas Wilson entirely rested on private grounds. The fact was, that a portion of the land on which he proposed to build adjoined the property and demesne of Lord Mansfield. Now, it appeared on the statement of Sir Thomas Wilson that in 1830 he received a letter from the late Lord Mansfield, saying that he should oppose Sir Thomas Wilson's building on that piece of ground; the fact being that Lord Mansfield wished to become the purchaser of it. The site in question consisted of about fifty acres. The present Lord Mansfield was equally anxious to be the owner of the ground. Both those noble Lords had been unceasing in their application to Sir Thomas Wilson to induce him to sell the property to them. It was quite clear, therefore, that the opposition to Sir Thomas Wilson entirely rested on private grounds. The solicitor of Sir Thomas Wilson had only that morning told him that Sir Thomas Wilson had no more intention of encroaching upon Hampstead Heath than he had of committing suicide. The introduction of such a clause as the one before the Committee into an act of legislation would be most unwise, impolitic, and mischievous, especially when the measure in other respects was a good one; he therefore begged to move that Clause 20 be struck out.

MR. J. FORSTER said, he had lived at Hampstead for several years, and he believed the hon. and learned Gentleman knew pretty well that Hampstead was chiefly inhabited by merchants connected with the City of London, and who were persons not to be influenced by any grand clique. That, however, was the first time he had heard that Lord Mansfield had any other objection to Sir Thomas Wilson's building on the property than that which any other persons entertained. It was well known that Sir Thomas Wilson several years ago commenced building operations, although in a small way, and that in the course of those operations he made some encroachments on the Heath itself, his chief building, however, being in a field adjoining the Heath. He had built a large bridge over a ravine, and had made a large brickfield for no other object, as it would appear, than to annoy the inhabitants; and there could be no doubt that his intention was to build on the Heath as soon as he should get the power to do so. Parliament was perfectly entitled to say that it would not delegate to the Court of Chancery, or any other Court, power to grant what it had itself on more than one occasion refused.

THE SOLICITOR GENERAL said, he objected that at that late period of the Session the subject of Sir Thomas Wilson's claims should be revived and discussed. The Bill in question was a general Bill and a general object, and it ought to be so regarded. The ground on which a leasing power to Sir Thomas Wilson was refused was the construction which the Judges of the land had put upon the will of the father of Sir Thomas Wilson.

MR. WHITESIDE said, if that had been the ground of the refusal it would have been quite right; but that was not the ground. The real ground was the preservation of Hampstead Heath for the benefit of the public.

THE SOLICITOR GENERAL said, that that would be on public grounds a very good reason for refusing the powers sought by Sir Thomas Wilson, but, then, if the public wished to have his property they ought to pay for it. That was the view of the case he should always entertain whenever Sir Thomas Wilson should think proper to apply to Parliament. The 20th clause was introduced into the Bill in consequence of its being stated to him that, unless the Bill contained some clause more explicity defining the jurisdiction of the Court of Chancery, it would be impossible to carry the second reading of the Bill. His reply was, that he would not consent to any clause being introduced to give the Bill the character of a private law passed against any individual. He thought the clause contained a correct and sound principle. Whoever was of that opinion let him vote for it even though the case of Sir Thomas Wilson should be included in it; but whoever was against it, let him vote against it upon general grounds, and not in reference to the case of that gentleman. Let Sir Thomas Wilson come again to Parliament, and if the Committee should be of opinion that a tenant for life ought not to be bound by the prohibition of the will under which he claimed, and that there was ground for relieving him from that prohibition, let the House of Commons grant that specific relief. It was to Parliament, whose judgment had already been raised upon the subject, and not to a Court of Justice, that that application ought to be made.

MR. BARROW said, he felt bound to vote for the continuance of the clause, because he disapproved of the Bill altogether. As regarded Hampstead Heath, if the public wanted it they should buy it; and he objected to the assumption by any court of law of powers to alter the provisions of any man's will, as the Bill proposed to do. He was sorry to hear an imputation thrown out upon a nobleman who was not present, and who had therefore no opportunity of answering it. He (Mr. Barrow) would vote against the general principle of interfering with the wills of testators.

SIR JOHN SHELLEY said, his objection to the clause being expunged was, that if it were it would enable a gentleman to do, by a side wind, what Parliament had prevented his doing on preceding occasions. If Sir Thomas Wilson chose to come before the House of Commons, no doubt the House would do him justice. He (Sir J. Shelley) did not consider that the refusal to Sir Thomas Wilson inflicted any hardship on him; and he was satisfied the testator knew what he was about in limiting the leasing powers under his will. The House of Commons had refused, on more than one occasion, to reverse the will; and he (Sir J. Shelley), therefore, objected to the powers being obtained through the Court of Chancery.

SIR JAMES GRAHAM said, the principle of the Bill was the enlargement of the powers of tenants for life with regard to leasing and selling their property. That principle had been sanctioned by the House of Lords and affirmed by the House of Commons. Sir Thomas Wilson, being a tenant for life, would necessarily be entitled to the advantage of that principle; and the question before the Committee was narrowed to that point, whether there were any peculiar grounds why his case should be an exceptional case, and one which should be taken out of the purview of the Bill. He was a great admirer of Hampstead Heath, and should be exceedingly sorry to see it enclosed. It would, he believed, be greatly injurious to the public health. He entirely subscribed to the doctrine of the hon. and learned Gentleman the Solicitor General, that instead of Hampstead Heath being enclosed, the full value of Sir Thomas Wilson's rights ought to be paid for, and the whole of the land purchased by the public in order to prevent its enclosure. But then the question arose, if it was thought fit to empower a Court of Equity to decide whether a tenant for life should have the benefit of the provisions of the Bill, whether the case of Sir Thomas Wilson in respect to Hampstead Heath formed a special case to be excluded from the benefit of those provisions? It appeared that the testator did give Sir Thomas Wilson power of leasing with respect to other property, but not with respect to Hampstead Heath. He thought there was not a better tribunal than that of a Court of Equity to decide whether that gentleman should have the same power with regard to his property at Hampstead which he enjoyed over his property at Woolwich and elsewhere. The only difficulty, in ordinary cases, was the absence of parties to oppose any application to the Court by tenants at will; but in the case under consideration the hon. Member for Berwick (Mr. J. Forster) had shown that parties would not be wanting. He, however, wished to decide the question upon general principles, and he could not help thinking, upon the whole, that if the principle of the measure was right the exception which had been suggested was not to be maintained. On those grounds he objected to the clause as it now stood, and would wish to see it modified.

MR. I. BUTT said, there was a general power in the Bill to tenants for lives to lease for twenty-one years, and Sir Thomas Wilson was not exempted from it. He (Mr. I. Butt) would never have consented to a personal exception, as in the case of Sir Thomas Wilson, only that a public principle was involved in it. The Bill was the last of a series of Estates Bills, and the question was, whether the case should be decided by Parliament. If he could have seen any grounds for resisting the strong public principle in question, he would not support the exclusion of Sir Thomas Wilson from the operation of the Bill. The principle of the Bill had been misrepresented. Unless the clause was allowed to stand it would lay the House open to the imputation that legislation for a particular case was intended under cover of a general law. The Bill, as it stood, left Sir Thomas Wilson exactly where he was before.

SIR DENHAM NORREYS said, the decision of Parliament had been given less against Sir Thomas Wilson in the former Bill than in favour of the public. He (Sir D. Norreys) could not conceive how a greater injustice could be done than had been done to Sir Thomas Wilson; and he believed that if the testator could have foreseen the extension of the metropolis in that direction he would not have omitted leasing powers from his will in respect to his Hampstead property. Sir Thomas

Wilson had been unjustly treated, because that House had not moral courage enough to oppose the desires of the public to possess Hampstead Heath. He thought, therefore, the clause ought to be omitted.

Mr. HENLEY said, the clause placed the Committee in great difficulty. He was not enamoured of the Bill, still less of the clause. The former Bill had been rejected on the ground that it was opposed to the will of the testator; but the statement which had been made by the hon. Member for Berwick (Mr. J. Forster) had put that matter in a new point of view, and showed what injustice the House had been led to commit, with regard to Sir Thomas Wilson. It also appeared that the land in question was situate one mile and a quarter from Hampstead, and it was said that there would be no objection to allow that being built upon, provided that Sir Thomas Wilson would come to some stipulation with regard to his land which abutted on the Heath. If the Committee was to come to a decision in the present case and prevent Sir Thomas Wilson from building on his land situate one mile and a quarter from the Heath, there would be nothing to prevent him going to the Court of Chancery with reference to his land abutting upon the Heath, so that the present clause, if agreed to, would not effect the object which hon. Members had in view. If the Court of Chancery was the best tribunal to decide those cases, then no exception ought to be made of a matter because Parliament had before dealt with it. They would, by the present clause, under the pretence of its involving a general principle, inflict an injury on a particular individual, and, under those circumstances, he felt bound to vote against it.

Sir BENJAMIN HALL said, that it would be very convenient if they could disconnect the name of Sir Thomas Wilson from the Bill, but that, apparently, was impossible, as it had been sent down from the Lords—he would not say with the intention of its meeting that gentleman's case, yet such would be its effect. He had been informed that it was Sir Thomas Wilson's intention to have introduced, during the Session, another Bill for the purpose of directly attaining his object, but as the Judges to whom that Bill was referred were hostile to it, it was not proceeded with, and now the present Bill, which met his case, had been brought in. That was hardly a fair proceeding, and fully justified the insertion of the clause. There were also public rights over that property which it was considered that Sir Thomas Wilson ought not to interfere with, as he had attempted to do by previous Bills. The Bill had been allowed to pass its second reading, on the distinct understanding that the present clause should be inserted, otherwise the Bill would not have been allowed to pass, as it did, in its early stages.

Mr. MALINS said, the object of the Bill was to rectify the powers in wills which were effected by an unskilful construction of those instruments. He was no party to any understanding that the case of Sir Thomas Wilson should be excepted on the second reading of the Bill. Sir Thomas Wilson had no intention to enclose Hampstead Heath, nor could he do so without the consent of every commoner having rights of commonage on that Heath. Sir Thomas Wilson wanted to build only on the fields beyond the turnpike in the Finchley road, which could not in the slightest degree interfere with Hampstead Heath. To refuse him the power of building on that property was to do Sir Thomas Wilson the greatest injustice. The Court of Chancery, and not the House of Commons, was the proper tribunal for judicial decisions on the rights of property. There was no more reason why Sir Thomas Wilson should not build upon his land beyond the "Spaniards" on Hampstead Heath, as far as a view of that Heath was concerned, than on his land at Woolwich. There were plenty of houses already overlooking Hampstead Heath; why should Sir Thomas Wilson alone be prevented from building houses overlooking the Heath, when he did not interfere with the rights of commonage? Why should Sir Thomas Wilson alone be selected to encounter all the expense of coming over and over again to Parliament for powers to lease when it was proposed by the Bill to give jurisdiction to the Court of Chancery to confer those powers upon any other tenant for life in the same predicament? The Bill purporting to be a general Bill, he would rather stop it altogether than be a party to such erroneous legislation as went to exclude one individual from its operation. He therefore gave his most strenuous opposition to the clause.

Lord ROBERT GROSVENOR said, he must deny being under the influence of popular clamour on the present occasion, as no tumultuous meetings had taken place on Hampstead Heath—at least since it had ceased to be the scene of the Middlesex election. As a Member of the Committee he had objected to the Bill on account of its importance, and of the lateness of the Session; but he had withdrawn his objection on the suggestion of the hon. and learned Solicitor General that the clause in question should be introduced for the purpose of preventing cases which had been adjudicated upon by Parliament from coming before the Court of Chancery for decision. He must deny also that the Metropolitan Members had been actuated by a prejudice to do Sir Thomas Wilson injustice. The House of Lords had rejected Sir Thomas Wilson's application five times; the Judges had been uniformly against it; and only on one single occasion had it been entertained by the House of Commons. He (Lord R. Grosvenor) had opposed the application on the same grounds as the Judges—namely, that it was for powers contrary to the intention of the testator. It was upon the same grounds he supported the clause in the Bill then in question. As regarded the imputation against Lord Mansfield, he (Lord R. Grosvenor) had had a great deal of communication with that nobleman on the subject of Sir Thomas Wilson's estate, and he declared upon his honour that he had never heard anything fall from him which could justify the slightest imputation.

Mr. J. G. PHILLIMORE said, he objected to the Bill, as giving too extensive powers to alter wills to the Court of Chancery. He was of opinion that the Houses of Parliament were safer in regard of wills than any Judges. To pass the Bill with the clause in question would be a violation of the general principle which was laid down as the basis of the measure. He thought the Bill ought not to pass at all; but if it did pass, the 20th clause ought to be expunged from it, as preposterous and unjustifiable.

Mr. WIGRAM said, if the case of Sir Thomas Wilson had not been suggested, the clause would not have been objected to. He would suggest, however, whether it would not be as well to let the House take a ride to Hampstead Heath and enjoy themselves as to compel it to discuss a Bill which no one could hope would pass in the present Session. He thought the Bill a useful piece of legislation; but he did not think it of that urgency to require passing until next Session.

The SOLICITOR GENERAL said, if the clause were rejected he was so bound by his engagements with hon. Members who had agreed to the second reading, that he could not proceed with the Bill. He considered the Bill one of the most valuable measures of the Session in respect to the amendment of the law, and he should, therefore, abandon it with regret.

Mr. HENLEY said, he thought the importance of the Bill required more time than was before the Committee; and he considered, therefore, that it would be a very great advantage if it stood over until the following Session.

Sir GEORGE GREY said, as the general opinion was that the Bill should be withdrawn, he would move that the Chairman report progress, and sit again that day three months.

Sir HENRY WILLOUGHBY said, he wished to know what would be the position of the public in case Sir Thomas Wilson died in the interval? His successor would have the power which he did not possess. The present, therefore, was the time for a compromise. He deprecated the imputations cast upon two noble Friends, the late and present Lord Mansfield, for it was his confident belief that neither was capable of the conduct imputed to them.

Mr. WHITESIDE said, the agent of Sir Thomas Wilson had distinctly alleged that Sir Thomas Wilson was bound by the statements in the letter, and the accident of its concerning those noble Lords he (Mr. Whiteside) could not avoid.

House resumed; Committee report progress; to sit again this day three months.

DESPATCH OF BUSINESS, COURT OF CHANCERY BILL.

[*Progress, 8th August.*] Order for Committee read.

House in Committee.

Sir JAMES GRAHAM: Sir, I am almost afraid the Committee will consider any interference in this matter, on my part, to be, if not impertinent, at all events intrusive, as this Bill deals with professional matters, of which I may be supposed not to be cognizant. My excuse for troubling the Committee must be that I, together with my right hon. friend the Member for Oxfordshire (Mr. Henley), have taken a deep interest in law reform as connected with the Court of Chancery, and I am bound to say I regard the present measure with considerable anxiety. I have some offences, as a member of the Commission, to answer for with respect to the Court of

Chancery. I allude to the abolition of the offices of the Six Clerks, and the compensation given them, which I now consider was to an injudicious and exorbitant amount. As a member of the Chancery Commission, I also recommended the abolition of the office of Master in Chancery, and Parliament concurred in that recommendation, and granted to the Masters a liberal allowance—no less than their salaries for life on their retirement. It was believed by the Commission and by Parliament that a great benefit would be effected if the judicial powers exercised by the Masters were transferred to the Judges of the Courts of Equity, and if in Chambers the duties of the chief clerks of the Masters were performed by the clerks of the Judges. The danger of the change was this, that, under another designation the chief clerks of the Judges would perform the duties of the Masters. I have with great anxiety watched the working of this change, and I can safely say that, on the whole, it has been efficacious and salutary. Both in Chambers and on the Bench proceedings have been conducted in a most satisfactory manner, with greater promptitude and at less cost than heretofore, and in these Courts, combined with the Courts of Appeal, business has proceeded with great rapidity, without any sacrifice of efficiency. I must, however, say that I think such a change as the proposed measure contemplates is to be regarded with great jealousy. At the same time I should not be doing justice to the eminent persons who are connected with the administration of justice in these Courts if I did not state that I have been in communication with them, and that I have reason to know that this measure meets with the unanimous approbation of the Judges of the Court of Appeal, the Master of the Rolls, and the Vice Chancellors. The Lord Justice Turner is of opinion that the 1st and 2nd clauses of this Bill are judicious, and is desirous that they should become law. The first clause empowers the Judges of the respective Courts to appoint an additional number of junior clerks. I am informed that, although in the Courts themselves there is no growing arrears of business, yet that in Chambers there is a considerable arrear. I am also informed, on the best authority—that of the Law Society—that at the present time in Chambers an appointment or adjournment before the chief clerks cannot be fixed in less than from two to five weeks, and that these arrears arise, not from any want of junior clerks, but from the senior clerks being overwhelmed by work. It is quite clear, however earnest the Judges may be to prevent the accumulation of arrears in Chambers, that it is but natural they should devote the largest portion of their time and attention to the business in their respective Courts which must be regarded as being of primary importance. These learned, assiduous, and able men, throughout Terms protracted beyond those of the Common Law Courts, devote day after day, from ten in the morning until four in the afternoon, to proceedings in open Court, and night after night they have to prepare themselves at home for coming judgments in the causes which they have heard. This is their primary business, in addition to which they undertook to transact in Chambers the duties of the Masters on the abolition of the Masters' offices. The great object of the change of 1852 was that the Judges should, from the commencement of a cause to its final adjudication, have it under their notice and control in all its stages. To effect this it was absolutely necessary, however irksome it might be, that, in addition to the leading features, the minor details of the cause should be attended to by the Judges. The arrears of business in the Courts have been kept down by the exertions I have mentioned, but I am bound to say that the most assiduous of the Judges have given less time to the business in Chambers than I think is desirable. Their practice has been to go to Chambers after four o'clock, and to devote occasionally an hour, or an hour and a half, to business there. [Mr. Malins: They generally go to Chambers after three o'clock.] Still that is at the fag end of the day, when the mind is exhausted and oppressed with a sense of duties awaiting them at home, hardly less important than those of the Bench; and this practice of devoting occasionally not the whole but a portion of a day to the business in Chambers is, I think, to be regarded with jealousy and apprehension. In order to give the Committee some idea of the business which is got through, I may state that during the last year 12,000 ordinary summonses have been heard, which were before heard by the Masters' head clerks; that 5,000 orders have been made, which were before these alterations made by the Masters; that 3,500 orders have been issued, which before required a motion or petition to be made in open Court; and that there have been 500 summonses in the nature of decrees for execution, which formerly required a bill and the attendant expenses. Anticipating this increased business, and anxious to avert the accumulation of arrears, the Chancery Commissioners, in their Report, used these words—

> "The judicial business which has hitherto occupied the attention of the Masters would thus, in effect, be transferred to the Court, and the duties not discharged by the Judges themselves would be transferred to officers immediately attached to the several branches of the Court, which officers should possess similar qualifications and perform similar duties to those of the present Masters in Chancery."

And then came the anticipation to which he wished to call attention—

> "If experience should prove that the business of the Court cannot be sufficiently transacted without an addition to the number of Judges, we trust this necessity will be promptly met by the Legislature."

Now, how can you meet the present accumulation of business in Chambers? If you seek to give effect to the principle—which I am satisfied is a good one—that the Judges only should themselves exercise their judicial functions with respect to a case from its beginning to its close, then it is absolutely necessary that the Judges should not give a small portion of a day, but that they should at least devote a day in each week to Chamber business. I will not now go into the question of additional Judges, nor into the question of the Testamentary Courts, nor matrimonial jurisdiction, which I trust will early next Session meet with the attention of Parliament, and which will give rise to the question of the appointment of one or more additional Judges, who, if not in immediate attendance on the Court of Chancery, will be in connection with it. I am afraid in the appointment you propose of junior clerks you are, in this change, beginning at the wrong end, and my fear is, that these junior clerks will do the work of the Masters' clerks, and that you will erect into a new power the clerks of the Judges, who will do the work of the Masters, and the Judges will no longer be responsible for the business in Chambers. I am apprehensive that, under these proposed appointments, the abuses which have heretofore been rife will arise under a new term, but in an old shape, and that the measure of 1852, which has been so advantageous, will be sapped to its foundations. I need not say that I have the utmost confidence in the Master of the Rolls and the present Vice-Chancellors, but there is in the clauses of this Bill an evil which the Committee ought to regard with jealousy. It is the infirmity of human nature that when a man is overburdened with work his natural desire is to transfer a large portion of it to his assistants, and there is inherent in the Judges, although they may not know it, a desire to increase their share of patronage. The clauses we are discussing are vicious in both these respects; they will tempt the Judges to transfer duties to their subordinates, and then hold out the inducements of a considerable increase of patronage. The necessity for the first two clauses of this Bill is very doubtful—they are objectionable in principle and likely to be vicious in effect. I should prefer the direct proposition of the appointment of additional Judges in order to prevent an accumulation of Chamber business, and I am sure that if such a course were adopted there would be a saving rather than an increase of expense, and that the public would benefit much more by the application of the remedy which I have suggested than by that which is proposed under the present measure. I am not, perhaps, competent from my experience to deal with this question, but I am certain that, both with regard to the friendly feelings which I entertain for some of the Judges, and also the part I have taken in this question, I am justified in stating my views frankly to the Committee. If the Committee should not agree with me, and should think I am not justified in the apprehensions I entertain, still what I have said may have the effect of causing the House of Commons and the Government to bear in mind that which I think will be found to be the most efficacious remedy of the evil now complained of. I could also have wished, had time admitted of my so doing, to have commented on the other clauses of the Bill. I doubt whether it is wise to increase the salaries of the clerks of the records, as the Judges already have power, should they think fit so to do, to transfer to those clerks any additional duties without any increase of salary. The 10th clause, which provides that public practitioners may take affidavits, I consider is most objectionable and indefensible. Then, again, the clause empowering the sale of Southampton-buildings directly and essentially affects the question of the site of the

Law Courts. All these are questions of importance which I know cannot receive at this late period of the Session the attention which they deserve, but I have felt it my duty thus to state my views, and although we cannot hope to proceed far with the Bill to-day, still to pass it over without a discussion would be, I think, treating it in a manner wholly unworthy of its importance.

MR. HADFIELD said, he apprehended that after the remarks of the right hon. Baronet it was very doubtful whether any progress could be made with the Bill that Session.

MR. MALINS said, the country should feel indebted to the right hon. Gentleman (Sir J. Graham) for the attention he had given to that most important subject. He (Mr. Malins) could corroborate the right hon. Gentleman's view that it would be difficult to imagine greater improvements in the practice of the Court of Chancery than had been effected by the alterations of 1852. The former practice of the Court was to defer decision; the practice since 1852 was to accelerate decision. Formerly cases were referred to the Master for decision; now they were decided on affidavit, under the immediate supervision of the Judge in Chambers. With regard to the statement of the right hon. Baronet as to the mode of transacting business in Chambers, there was a great deal in his suggestion. Every Judge was occupied on an average six hours each day in open Court, during which some sixty to eighty matters were often disposed of. That a Judge should have, after that, to go to Chambers was undoubtedly an evil, which, however, the appointment of an additional Judge, to enable the Judges to sit a day each week in Chambers, would not remedy. One of the advantages of the alteration of 1852 was that of getting rid of the arrears in the Court of Chancery. Vice Chancellor Stuart had risen on the 27th of July, having disposed of every cause and every petition in his Court, except one, which stood over on agreement. The other Chancery Judges had also disposed of every cause set down for hearing, so that there were only six weeks' arrears at the utmost. As regarded the delay in appointments at Chambers, he was very much surprised to hear the statement of the right hon. Baronet. He was assured, on the contrary, that the present staff, of two chief clerks for each Judge, was amply sufficient if the Bill passed giving additional junior clerks. He could not think that the appointment of another Vice Chancellor would be of any good; but rather the contrary. While, if an additional Judge was to be appointed to each Court, besides the unnecessary expense which it would cause, it would not effect the purpose. The present chief cherks were perfectly competent persons, and they had stated to him that the presence of a Judge more than a couple of hours twice a week was unnecessary.

House resumed; Committee report progress.

CONVOCATION—QUESTION.

MR. KINNAIRD said, he wished to ask the Secretary of State for the Home Department whether any Address had been presented to Her Majesty praying for the revival of Convocation, and whether any answer had been given to such Address: and if he had any objection to lay copies of the same on the table of the House?

SIR GEORGE GREY: Sir, an Address was transmitted to me not long ago from the Upper House of Convocation, praying that Her Majesty would be pleased to grant Her licence to Convocation to consider and agree on a canon or constitution to be submitted for Her approval for the purpose of modifying the representation of the clergy in the Lower House of Convocation. That Address had been laid before Her Majesty, and an answer had been returned to the Archbishop of Canterbury. There would be no objection to produce the Address of the Upper House of Convocation and the reply thereto. But he might state that Her Majesty had not been advised to comply with the prayer of the Address.

METROPOLIS LOCAL MANAGEMENT BILL.

Lords Amendments *considered;* several *agreed to.*

On Amendment, Clause 49 (that the elected members of the Metropolitan Board of Works shall submit the names of three of their number to the Secretary of State for the Home Department, who shall select one of them for Chairman of the said Board.)

LORD ROBERT GROSVENOR objected to the alteration, and thought it far better that the Board should elect their own Chairman as originally proposed.

SIR GEORGE GREY also disapproved of the Amendment, which he thought would tend to diminish the responsibility of the

Board without giving any real power or responsibility to the Home Office.

Amendment *disagreed to.*

VISCOUNT EBRINGTON said, he approved highly of the Lords' Amendments, almost all the material ones among which were in accordance with views he had himself pressed upon the House. As some of these Amendments, however, related to pipe drainage, he would take the opportunity of calling the attention of the House to the remarkable report of the surveyors of the Metropolitan Commission of Sewers with regard to the working of the pipe drainage in the metropolis, which had just been distributed to Members. And he did so, on account of its being not only upon the much-controverted question of pipe drainage, but also upon the personal conduct and character of the chief engineer of the Commission. The term, "pipe drainage," had been identified with the principle of using for the conveyance of sewage drains of dimensions calculated with reference to the quantity they had to convey, instead of with reference to the stature of man; because, for the drainage of all houses, without exception, of ordinary streets, and in some cases, of the whole of a small town, this principle had led to the laying down of pipes of from four inches to rather more than a foot in diameter, instead of constructing, as formerly, all house-drains and sewers of a minimum size of something like a yard in diameter, to allow of the passage of a man for the purpose of cleansing or repairs when required. He used the word therefore in this sense, though the strongest advocates of pipe drainage quite recognised the necessity of having recourse to brick sewers, whenever the quantity of sewage to be conveyed was too large for pipes to carry it off. Pipe drainage, taken in this sense, had been pronounced by the noble Lord at the head of the Government to combine the greatest degree of efficiency with the greatest degree of economy, as indeed it had been proved to do by the experience of many places for several years. Unhappily, however, several engineers, most eminent in other branches of the profession, had pronounced against it; and following in their wake, Mr. Bazalgette, the engineer to the Commission of Sewers, had latterly made himself conspicuous by his hostility to it. It appeared from the Return on the table of the House, that some time last year a number of pipe drains were opened and examined secretly in the dead of night by Mr. Bazalgette, and were then found, or rather were stated by him to have been found, either wholly or partially choked up in the manner graphically represented in the plates at the end of that Return. It would be for the House, after hearing the sequel, to attach to Mr. Bazalgette's unsupported assertions such weight as they might seem to deserve; but it should be remembered that Mr. Bazalgette had taken care that no producible witnesses—and least of all, any of the engineers of the Commission—should be present at these extraordinary nocturnal examinations. Still this Report of Mr. Bazalgette's for a time had produced a considerable impression on the public. A few months since, however, a second examination into the condition of the same drains was ordered by the Commissioners, and, unlike the other, was carried on publicly by the district engineers of the Commission, Mr. Bazalgette being specially invited by them to attend. This time, by a strange and most suspicious coincidence, the drains represented as choked or choking up more than a year before, had—not in one, but in dozens of cases—somehow run themselves so clear in the interval as to be working most satisfactorily, instead of choking up entirely, as might have been expected; in short, their condition, as seen by various competent witnesses, was what is represented in the other sections of the same Return. Mr. Bazalgette had previously made some most unfavourable Reports, since laid before the House, about the working of the new system of drainage in several provincial towns. The engineers of these works had, however, answered Mr. Bazalgette's Reports, and had most conclusively demonstrated their gross unfairness—to use no harsher term. In one particular case, that of St. Thomas's at Exeter, he (Lord Ebrington) himself had had an opportunity of ascertaining, by personal inspection, the utter disingenuousness and untrustworthiness of Mr. Bazalgette's Report. As to the system itself, its proved advantages were too great to be resisted, notwithstanding the weight and influence of some of its opponents. Town after town was adopting it; and even in the metropolis, the Commissioners of Sewers, though by no means originally predisposed in its favour, had adopted it extensively, and were adopting it more and more in spite of the strenuous opposition of their own chief engineer. He (Viscount Ebrington) had therefore no fears for the system. But it was a serious thing to have an officer in so responsible a position, conducting himself as those official documents showed Mr. Bazalgette to have done. He however rejoiced to feel that one of the operations of the present Bill, when it became law, would be to cut short this officer's tenure of office.

Other Amendments *agreed to.* Some *disagreed to.*

Committee *appointed* to draw up Reasons to be assigned to the Lords for disagreeing to those Amendments to which this House hath disagreed.

GOVERNMENT OF THE NAVY.

CAPTAIN SCOBELL, said he would now move according to notice for a Select Committee to inquire into the Government of the Navy. Though the Motion was for a Committee he did not move for one in expectation that it would be operative during the present Session, but in the hope that one would be appointed next Session. His object was not to detail individual cases, but to attack the system. There were present three right hon. Gentlemen, who had held the office of First Lord of the Admiralty, and all of them must be convinced that the system of promotion at the Admiralty was not satisfactory, and that the pressure of political influence clogged the dispensation of patronage in a way which he hoped they could not approve. For his part, he had long condemned it, and he defied the Government to show that during the time he had occupied a seat in that House he had ever asked for the smallest favour. He might observe that there were in that House only ten or eleven sailors, while there were upwards of a hundred military and militia officers, and about as many lawyers, and he thought naval officers ought to be allowed to call attention to any defects which, in their opinion, existed in that branch of the public service with which they were connected. He was afraid that many hon. Gentlemen advocated Administrative Reform only with respect to the civil service ; but such reform was at least as much required in the military and naval services. Within the last four or five years there had been four First Lords of the Admiralty, so that it was impossible the gentlemen who occupied so important a position could have acquainted themselves fully with the duties of the department, or have carried out on an extensive scale any of those reforms which were so much needed. There were at present ten or twelve gentlemen living who had been political Secretaries of the Admiralty, from the time of Mr. Croker to the present Secretary, but they knew scarcely anything of naval affairs ; while, during a period of thirty years, there had been only three second Secretaries—that office not being a political one—including the present Secretary, who had held his appointment for a very short time. He must say that merit was not fostered in the navy, although during a war some gallant officers might force themselves forward, and obtain that promotion they so well deserved. Every naval officer, however, was perfectly aware that, under ordinary circumstances, no man in that service could expect advancement unless he possessed family or political influence. Not long ago a noble Lord, who had held high office, expressed his opinion, in another place, that if the military service was conducted in the same manner as the naval service it would be nothing but a system of jobbery and trickery. If naval officers would speak for themselves—which they dared not do—the House would hear enough of malediction of the system. He did not wish to attack the aristocracy, and was quite willing that if an officer had merit the fact of his belonging to the aristocracy should not in the least degree tell against him. If he had not merit, then birth or connection should give him no advantage. With respect to the constitution of the Admiralty, he would refer to some authorities, which he conceived would have more weight with the House than anything he could say. After Sir George Cockburn's decease a paper was found with his will, containing opinions which he never uttered while alive with respect to the system. That gallant officer was a Lord of the Admiralty for seventeen years, and had found himself so shackled that he allowed things to go on as they did without attempting to put them right, but he left his opinions on record, and since his death they had been printed in a pamphlet. Sir George Cockburn therein stated, that he had no hesitation in saying, that he considered the present system of the Board to be most unsatisfactory, and the least efficient for the purposes of the service that could be devised, and he added, that the annoyances he was subjected to while at the Admiralty—from First Lords not understanding naval affairs—kept him in a continual state of anxiety and difficulty, and that it required him to exercise the greatest forbearance in order to remain in the situation. The remedy he (Captain Scobell) would suggest was, the abolition of the Board of Admiralty, the transference of the management of the navy to a naval Commander in Chief, assisted by two naval officers who might or might not be in Parliament. His own opinion was, that they ought not to be in Parliament, but that there should be a Member of Parliament for the controlling of the financial expenditure of the navy. When the present Commander in Chief of the army was appointed, he was informed by, he believed, the noble Lord the Member for London (Lord J. Russell) that his duties were exclusively professional, and as no one would interfere with his patronage of the army he would alone be responsible. The first Lord of the Admiralty ought to be able to feel himself in the like position. Dispensing as he did the patronage of a service numbering 4000 officers, he ought to be able to say—what he was afraid he could not—that no political influence was mixed up with his patronage. The noble Lord the First Minister of the Crown was also an authority on the question, because he was sure the noble Lord would not deny that what he had said with respect to the army was equally applicable to the navy. The noble Lord said, and the statement applied in all its force to the navy, that "it would be fatal to the character and spirit of the army that its discipline should be committed to the charge of mere citizens, and that to allow the patronage of the army to be dispensed by the Government was open to grave and serious objections." Now if the noble Lord was prepared to carry those sentiments into full effect, he would as soon as possible divest the Admiralty of its political character, and would not sanction the dispensation of patronage upon the part of the Treasury bench in the case of the naval profession. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had also stated in that House that—

> "He saw no reason whatever why we should apply to the navy rules different from those which were acted upon with reference to the sister service; so far from it, he was of opinion that everything should be done to make the navy as efficient as possible."

The right hon. Gentleman had gone on to assure the House that the attention of the Derby Government had been directed to the subject, and that they were only waiting for the Report of the Committee to take more active steps with respect to it. The question was one, therefore, the importance of which had been admitted by very high authorities in that House; and having said thus much upon that point, he should now proceed to state to the House what the result of the present system of naval administration was, so far as the officers were concerned. He should commence with the admirals, of whom, in the year 1800, there were ninety-nine, when we had 167 sail of the line. There now being only forty sail of the line, we had 272 admirals and 40,000 seamen and marines, instead of 120,000, which was the number in the year 1800. Now, of these 272 admirals, almost all were from sixty to eighty years of age. Since the 1st of January, 1850, there had been thirty-seven captains made active admirals, and many of them were old men when they had got their appointments. Since the same date 113 captains had been made retired admirals because they had not gone through those six years' service as post captains which was required, it being impossible from want of interest they could have complied with the regulation. Such was the result of the present system so far as the admirals were concerned; and he could assure the House that it had been felt to act in many instances with considerable severity. To take individual cases of promotion in the navy, he might mention that the late Captain Christie had been thirty-one years in the service before he had attained the same rank as that at which Admiral Dundas, now in the Baltic, had arrived in nine years. Now, to refer to the captains' list, he should inform the House that during the years 1847, 1848, and 1849, there had been fifty captains promoted, and of that number thirteen had served a period of from two to five years only as commanders. During those very three years, however, he found that there were others who had served as commanders from ten to twenty-six years. Now, was not that, he would ask, an instance of the hardships to which officers in the navy were subjected, and which ought to induce the House to institute an inquiry into the facts upon which the inequality of promotion, which he had just pointed out, was based? There was no corresponding inequality in the system of promotion in the army. In that service, at all events, men advanced, though slowly, by seniority in the regiments. There was at the bottom of the captain's list another list, which was that of the retired captains. They consisted of 100 officers, whose half-pay in the first instance amounted to 10*s.* a day; and would the House believe that when they retired they received only 6*d.* a day in addition to that sum, although they ranked with colonels in the army? He should next take the commanders, of whom there were, in the year 1800, 386. Now, there were 549 active commanders, and of that number 220 had been from forty to fifty years in the service; while we had 570 retired commanders of about fifty years' service, and many with medals, making a total of 1119. Of the active commanders there were 196 employed, while 353 were upon half-pay. Hon. Members could not fail to see how the present system worked when we had such a large number of half-pay officers upon the list. The fact was that there was no encouragement held out in the navy; and his belief was that there was more of pining and of heart-burning among the officers in that service than among any equal number of men in the Queen's dominions. He should next advert to the lieutenants, whom he should contend were the most ill-used body in the navy. He had known men who through political or family influences had obtained high rank in the service before they could possibly be fitted to discharge the duties of that rank; while, upon the contrary, he was aware that there were crowds of lieutenants who had been in the service for thirty or forty, and even fifty years, who perfectly understood their business, and yet who never had been enabled to obtain the promotion which upon every ground they deserved. Of those who were lieutenants in the year 1840, there were thirty-two who still retained the same rank, while others, of the same year, who had not entered the navy until long after, were now post captains. At present there were 1713 lieutenants upon the retired list, notwithstanding that they were the class of officers whose services were now most required. Three lieutenants had lately been promoted for gallant conduct in the Sea of Azoff; but when men were promoted for gallant conduct, they were usually placed upon the half-pay list, and their services, from not having family interest, became lost to the country. Of these three officers to whom he referred, one had been twenty years in the navy, and the others had each served twenty-five years. There were now about twelve first lieutenants of line-of-battle-ships who have been longer in the navy, and seen far more service, than some political favourites who are post captains. He thought he had made pretty sure that the House would take some interest in that body of men. He had no wish to fix the form of inquiry; if a Commission was preferred to a Committee of the House, he should have no objection to it, as all he wanted was to see the facts inquired into. There was another point he must draw attention to before he sat down, and that was that too many cadets were allowed to enter into the navy, because, under the existing system, out of the large number that entered every year, those only with interest could get on. His objection, on that head, applied as much to what was the practice before the war began as to the present time. The entries were vastly disproportioned to the promotions, and that was one of the great causes of the evil. He had troubled the House with figures, but he believed they were the best arguments for his case; and he hoped, as they were so irresistible, the Government would say that a Committee shall be appointed next year. At all events, he had no alternative but to leave the matter in the hands of the House in the full hope that ultimately some remedy would be applied to those evils, either in the way of limiting the mode of promotion to merit and service, and by extending the system of retirement with a step of rank, as in the army, with the half-pay of that rank, and there should be an age fixed, varying in the different classes of officers, at which they should necessarily pass to the retired list. The safety of England depended upon the command of the sea, and, therefore, it was of vital importance that her navy should have fair play, which it could not be said to have had for a long series of years. He was an advocate for an efficient but a small army, and with such assistance the navy would always be able to defend the country against her enemies.

Mr. TITE said, he should second the Motion. He hoped that the House would assent to the proposition of his hon. and gallant colleague, for it was of the greatest importance to the country that the navy should be upon a satisfactory footing. Upon a subject of such a technical nature it was hardly possible that he should go into any detail; that, however, was not a matter of importance after the statement which his hon. and gallant Colleague had made. An opinion was growing up in the country that the Minister in whom the superintendence of the navy was vested ought to be chosen independently of political exigencies; to discuss that, however, would raise a great constitutional question into which that was not the time to enter. He trusted that the Government would make no objection to the Motion, for much benefit would, doubtless, accrue to the country from it. The House would recollect that, in 1848, a Committee, known as Lord Seymour's Committee, inquired into the matter, and the result of that Committee's Report was admitted on all hands to be highly satisfactory.

Motion made, and Question proposed—

> "That a Select Committee be appointed, to inquire into the Government of the Navy, relating to the lists of officers, patronage, promotion, and the efficiency of the Service in all the grades belonging to it."

Sir CHARLES WOOD said, he was prepared to do full justice to the motives of the hon. and gallant Gentleman in bringing such a subject under the consideration of the House. But, while he honoured the motives which had actuated the hon. Gentleman, he was not prepared to consent to the Motion which he had brought forward. The subject into which the hon. and gallant Gentleman proposed to inquire had already been most fully considered by as able a Committee—a Committee presided over by the noble Lord the Member for Totness (Lord Seymour) as had ever been appointed. That Committee had offered certain suggestions, all of which had been carried out with the exception of one, which was that power should be given to the Government to appoint Admirals by selection instead of by seniority. If old officers were appointed to posts of authority, then the complaint was made that the talents and energy of younger men were overlooked, but if younger men were appointed, then the outcry was that the old and meritorious officers were slighted. The problem to be solved was how they could best promote the efficiency of the service, coupling that with the regard which was due to the claims of old and deserving officers. Now, no persons could form a sound opinion upon the question unless they looked at the state of the *Navy Lists* from the time of the last war. His hon. and gallant Friend (Captain Scobell) said there was a great number of old and meritorious officers who had been passed over. That was perfectly true, but it was quite inevitable. The House of Commons was very apt to take at one time a view totally different from that which it took at another. At one moment it could not do enough for the members of the naval profession; great promotions were asked for; and, consequently, great charges entailed, while some time afterwards the House of Commons would, perhaps, complain of those charges, would call, perhaps not unnaturally, for their reduction, and would require the Executive to check the number of promotions. At the end of the war there were 855 captains, 816 commanders, and 3,982 lieutenants. That was an immense number of officers—more, of course, than could possibly be employed, but fifteen years afterwards, there were 851 captains, 905 commanders, and 3,580 lieutenants. The House of Commons naturally took exception to so large a number, and complained that after fifteen years of peace the list of officers should be as large as it was at the end of the war. The promotions during that time had of course gone on just as if the war had continued, and the House complained very justly of the heavy charges entailed upon the country. Yet, notwithstanding the promotions had been kept up in that way, there were still during that time complaints of the destitute state of old and meritorious officers, and of the number whom it was impossible to employ. At the beginning of 1814 there were 3,285 lieutenants, of whom 1,600 were employed; in 1817 there were 3,982 lieutenants, of whom 405 were employed; so that in the first of these years one half, and in the second only one-tenth, of the whole number on the list were on service. What on earth could any Government do under such circumstances? Would his hon. and gallant Friend have them commission ships for the sake of employing officers? What would have been the case if employment had been given to those officers in rotation? At the end of 1817 there were in round numbers 4,000 lieutenants, of whom 400 were on service. The ordinary term of a ship's commission was three years, and at that rate it would have taken about thirty years before all those lieutenants could have filled their term of service, and the last 400 employed would have been twenty-seven years on shore. His hon. and gallant Friend could not be of opinion that those would have been men whom it would be for the interests of the public service to employ, and that, therefore, would explain why it was inevitable that a large number of lieutenants should be left unemployed for a great part of their lives. It might, therefore, very well happen, in the way he had explained, that there might be at this moment lieutenants who were at Trafalgar, and who possessed a medal, but whom it was perfectly impossible ever to employ again. At the end of the year 1817 there were 791 commanders on the list, of whom forty-two only were employed; and thus, if the Government had promoted lieutenants, they would only have been encumbering the ranks of unemployed commanders. How, then, could any Government avoid the complaint that a great number of officers were left on half-pay? Since the time he had mentioned the number of officers had been much larger than could be employed. The Committee presided over by the noble Lord the Member for Totness (Lord Seymour) recommended that the list of lieutenants, commanders, and captains, should be reduced to a certain number, and that until that number was reached the promotions should be limited to one in three. That rule had been adhered to up to the present moment, but neither the list of commanders nor of captains had as yet reached the number recommended by that Committee. He considered, therefore, that it was unnecessary to pursue the subject further. He had already shown the circumstances under which a greater number of officers remained upon the lists than could be employed, and the inevitable consequence was that a large number of officers of the lower rank must necessarily remain in that lower rank. The recommendation of the Committee had been closely adhered to, and it was impossible to prevent a large number of men from remaining unemployed. It was proposed to limit the number of lieutenants to 1,200, and the number of commanders to 450; and it followed naturally that the whole of the lieutenants could never be promoted to the rank of commander. The hon. and gallant Gentleman acknowledged that at the present moment only one-third of the active list of commanders was afloat. There must, therefore, be a certain number of commanders who would never become captains, and also many captains who would never become admirals. In all the higher ranks there must necessarily be a certain number of persons who would never be employed or promoted. If any man could devise a better system of promotion than that which now existed he would be a great public benefactor, for at all times the selection of men for appointments was a most disagreeable and painful duty. Ten or a dozen able men could always be found well qualified to supply any vacancy that might occur, and it was a most painful and responsible task to select from that number one particular individual. In many cases great complaints were made of partiality. No military man thought himself too old for service, and no admiral thought himself too old to go to sea. Entertaining such an opinion, it was natural, when one officer was promoted over another, that the officer passed over should imagine that some other motive than a proper appreciation of the talent of the officer appointed had decided the appointment, and at all times it was very difficult to assign reasons why commander A had been selected and commander B passed over. He had not been very long at the Board of Admiralty, and consequently he had not had many appointments to make, but nevertheless several accusations had already been made against him in regard to the appointments which had been made. The very first appointment that he had made, was the appointment of an officer to command a sloop of war. The officer selected was recommended to him by his hon. and gallant Friend (Admiral Berkeley) and other gentlemen as an old officer of the highest character, and well fitted to command a ship of war. As far as he (Sir C. Wood) was concerned, he had never heard of the officer in question before, but soon after the appointment was made he received a letter, charging him with having appointed his own relation. He was certainly astonished at such a charge, knowing at the time that the only relative he had in the navy was a youth of some thirteen years of age, and on inquiring into the matter, he found that the name of the officer appointed was Francis Wood, which fact alone had been considered sufficient to justify the imputation which had been made against him. A week afterwards he made a second appointment, and a day or two afterwards a letter appeared in *The Times*, headed, "Another Malappointment," stating that Mr. Haslam, a mate in the Black Sea Fleet, who had greatly distinguished himself, had been rewarded with a lieutenancy, and soon after appointed to the command of a ship on the coast of Africa. The letter concluded by saying, "How long will the people of England suffer such atrocious mismanagement to degrade them before all the world?" That officer had distinguished himself in the Arctic expedition, and the inquiries he had instituted satisfied him that he was a gentleman of the highest character. The appointment was made simply on the ground of merit, yet he (Sir C. Wood) had been accused by the public Press, of having been guilty of the most atrocious abuse of his patronage. It was very easy to make charges of that kind, but he was anxious to show how utterly unjust they were in many cases. He had been told the other day by an intimate friend that a noble Lord had complained that he (Sir C. Wood) had refused him a naval cadetship, and that the appointments to those cadetships were made upon political grounds. He did not remember having received any application from that noble Lord, and on referring to his letters he could not find such an application. He then looked at the list of naval cadets who had recently been appointed, and he found that of eight, six had been appointed in consequence of their connection with distinguished naval and military officers, and only two upon the recommendation of Members of that House. One of those Members sat on the opposite side, and he believed had never given a vote in favour of the present Government. A complaint was made by his hon. gallant Friend (Captain Scobell) that young men sometimes obtained promotion very rapidly. Undoubtedly that was the case, but the consideration which weighed with the Admiralty in making those promotions were how the country could best be served, and if it was desirable that officers should attain the rank of admiral at a comparatively early period of life, it was indispensable that young officers should be promoted for distinguished services. The Committee, which was known as Lord Seymour's Committee, had stated that the efficiency of the naval service must depend, in a great measure, upon the mental and bodily vigour of the officers who were intrusted with commands, but as a general rule that union of mental and bodily vigour was only to be found in men who were comparatively young; and unless, therefore, young officers were promoted it was impossible that they could have admirals who, according to the opinion of the Committee, would be fit for active service and for important commands. In 1851 the right hon. Member for Portsmouth (Sir F. Baring) established what was called the reserved list, upon which officers were placed after a certain period of service. No doubt, as his hon. and gallant Friend had stated, that regulation operated with some inequality, for there were admirals on the reserve list who were perfectly capable of rendering service to their country, and there were others on the active list who were utterly unfit for active duty. He did not think it would be advisable to adopt the plan suggested by his hon. and gallant Friend—that all admirals should be removed from the active list at a certain age, for no two men were equally strong, and some were more vigorous at the age of sixty than others were at fifty-five. It appeared from the Report of 1848 that there were at that time only six admirals under the age of sixty upon the active list, but there were now seventeen under that age upon the list, and of these nine were below the age of fifty-five. In reply to the statement of his hon. and gallant Friend that all naval officers who were promoted early in life owed that promotion to family, or political, or Parliamentary influence, he might observe that, although three of the nine admirals under fifty-five might possess some aristocratical or political influence, he must deny that such was the case with regard to the other six. If they took the aristocratic names in the navy it would be found that, with the exception of Lord Dundonald, they were almost exclusively on the retired list, while the great majority of persons actively employed possessed neither family nor political influence. The rule laid down some years ago by his right hon. Friend the Member for Portsmouth had worked admirably with regard to admirals, and had been the means of enabling them to get younger men for that part of the service, and he must say that in the case of the lower ranks something might be done, though the subject was attended with very great difficulties. Twenty years ago, when he was Secretary to the Admiralty, a suggestion was made whether, in order to obviate the evils which existed, it would not be wise to introduce a system of sale and purchase in the navy. It was obvious that the system of purchase, such as existed in the army, offered facilities for young men entering the service, but it was doubtful how far such a system was practicable in the navy, and, if it were so, whether it would receive the sanction of that House, in which complaints were not unfrequently heard of the existence of the practice in the army. He must again deny that family or political influence had that weight in regulating promotion as had been alleged by his hon. and gallant Friend, and the fact that every service had been performed in a manner which conferred credit upon those employed and glory upon the country was the best answer to any assertion which might be made that merit was not sufficiently acknowledged. Not a Russian vessel dared to show itself in the presence of our navy, the recent services it had rendered in the

Sea of Azoff had been properly acknowledged, and he must again repeat that there was no rank in the service, from that of admiral down to that of cabin boy, but was equal to the execution of every service which it was called upon to perform.

SIR GEORGE PECHELL said, he was glad that his hon. and gallant Friend (Captain Scobell) had brought forward the subject now under discussion, inasmuch as it had afforded the First Lord of the Admiralty an opportunity of defending his conduct in connection with the department over which he presided. Sir George Cockburn had complained that he was overruled during his services at the Board, and that his recommendations had not been attended to; but the fact was that that gallant officer had never submitted any project to the House, and had opposed the Motions of Sir Charles Napier and other gallant officers when they were submitted to the House. He could not imagine who had overruled Sir George Cockburn at the Board, and the only hon. Member now present who could enlighten the House on that subject, was the hon. Member for Lewes (Mr. FitzRoy). The present Board of Admiralty was a vast improvement over former Boards, when the majority were of the lay and civil class, and when naval officers were almost excluded. There was nothing to complain of now with respect to the Board, except the system. With respect to patronage he believed that political influence was too powerful, and that some change ought to take place. He could recommend that the sum paid for the conveyance of treasure should be brought to the public account, and applied under the direction of the Admiralty. In regard to the employment of Admirals on the retired list, when he applied for a ship he was informed that the timber was not cut to build the ship, nor was the sheep killed whose skin was to supply the parchment on which to write his commission. Many officers were unable to obtain ships, and thus to comply with the regulations required to be fulfilled before they became admirals, because they had no influence to enforce attention to their wishes. With regard to the coast-guard service, he must complain that, while the officers employed on that service were certain of promotion if they were so fortunate as to come in contact with smugglers and kill half a dozen of them, they received no promotion at all if they had saved lives and property from wrecks. As to the Motion of his hon. and gallant Friend, the First Lord of the Admiralty had certainly made a great many explanations which it was well should be known, but it would be very satisfactory to the service if the right hon. Gentleman would concede the inquiry asked for.

ADMIRAL WALCOTT: Sir, I will not detain the House at any length, because it occurs to me that the arguments which have been adduced for and against the Motion before it, have been fully sufficient to enable the House to arrive at a right decision; and, moreover, were I to enter into detail of my own views and opinions they would approach in many particulars to a recapitulation of those already spoken. If the hon. and gallant Member for Bath determine to press his Motion to a division, I shall be found in the same lobby with him, satisfied, as I am, that if a Committee were appointed the decision would be beneficial to the service, and most certainly could not be injurious. The First Lord of the Admiralty had said that any man would be a public benefactor who would devise a means by which the present system of patronage could be got rid of, and it occurred to him (Admiral Walcott) that he could point out a means by which a more beneficial system could be introduced —namely, by constituting the Naval Lords of the Admiralty, in fact, and reality the responsible Counsellors of their Political Chief with regard to the employment, promotion, and decorations of honour given to naval officers, as those best fitted to sympathise and to encourage, to deal gently with the disappointed, and to award justly the successful; in a word, to propose to themselves but one motive of thought and action to secure the welfare of the whole profession, and to consult without partiality for every individual member in it. If such a system were adopted great satisfaction would be given, and the service would feel full confidence that merit would be its own patron, and good, gallant, and meritorious service the only effectual recommendation to employment, promotion, and recommendation to the Sovereign for decorations of honour. The hon. and gallant Admiral, the Member for Brighton, had animadverted in terms of disparagement in the selection of a naval officer to preside at the Admiralty in the Derby Government; I cannot but regret his having done so, nor will I forbear to offer my tribute to that naval officer (the Duke of Northumberland) for the able and energetic manner in which he endeavoured—and with success—to provide for the efficiency of the service; in so doing I but speak the testimony, in that particular, offered to the House by his successor, the right hon. Baronet the Member for Carlisle, and the feelings of many gallant officers.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at a quarter before Eleven o'clock.

HOUSE OF LORDS,

Friday, August 10, 1855.

MINUTES.] PUBLIC BILLS.—3ª Public Health Act (No. 2); Lunatic Asylums (Ireland) Advances; Navigation Works (Ireland).

THE LEASING AND SALES OF SETTLED ESTATES BILL—QUESTION.

THE EARL OF MALMESBURY would remind their Lordships that in the course of the Session the noble Lord on the woolsack had brought forward a Bill which had been unanimously accepted, and looked upon by their Lordships as one of the most useful measures that ever had been laid upon their Lordships' table. He referred to the Leasing and sales of Settled Estates Bill, which had, however, met an untimely fate in another place, for the right hon. Gentleman the Secretary of State (Sir George Grey) had abandoned the Bill in the other House; and, as far as he (the Earl of Malmesbury) could learn, the Members of the Government had not supported the noble and learned Lord as he had a right to expect when he introduced a measure of that kind. He begged to ask the noble and learned Lord if it was his intention to bring forward the measure again early in the next Session?

THE LORD CHANCELLOR said, he was glad the noble Earl had mentioned this subject, or he might not otherwise have had an opportunity of giving any explanation respecting it. He quite agreed with the noble Earl when he stated that the Bill was a useful one, though he could take no credit to himself for it except as a Member of the Statute Law Commission, who had recommended the measure. After it had been passed with the almost unanimous approval of their Lordships, he entrusted the care of it in the House of Commons to his hon. and learned Friend the Solicitor General, who took exactly the same view of it as he himself did; but the lower House thought fit to refer it to a Select Committee: that circumstance, however, he had been assured by his hon. and learned Friend did not create any obstacle to the passing of the Bill; and as far as he could learn, the true reason which had prejudiced the Bill was, that a notion prevailed amongst one class of persons in the House of Commons that it would lead to what was vulgarly called the enclosure of Hampstead Heath. The fact was that the Bill had not the slightest bearing upon that question; but his hon. and learned Friend nevertheless assented to the introduction of a clause which prevented the possibility of anything of the sort taking place. Afterwards some discussion ensued as to whether that clause should be introduced or not. He (the Lord Chancellor) knew no more than the noble Earl himself had stated, for he had not seen the Secretary of State since the Bill was last mentioned in the House of Commons; but he collected from what was said on that occasion that it was found impossible to pass it. In reply to the question of the noble Earl, he begged to assure him that at the very earliest possible period next session he should re-introduce the Bill, and he trusted it would become law and be in operation without any unnecessary delay.

LORD CAMPBELL called attention to the fact that various Bills passed through their Lordships' House had not been effectively supported by the Members of the Government in the other House, though some of these measures had been introduced into their Lordships' House by Members of the Government. He must express his regret that the harmony and unity of action which ought to prevail did not exist in the two Houses of Parliament between the Members of the Government connected with the law.

LORD ST. LEONARDS remarked that the heir of the Gentleman interested (Sir Thomas Wilson) would have as much power over Hampstead Heath as any lord over his manor. The Government ought to come to some arrangement by which the perpetual enjoyment of Hampstead Heath could be secured to the public.

LORD CAMPBELL agreed with the noble and learned Lord that if Hampstead Heath was so very valuable to the public it ought to be purchased for the public use.

EXCHEQUER BILLS (£7,000,000*l.*) BILL.

Order of the Day for the House to be put into a Committee read.

Earl GRANVILLE *moved*, That the House do now resolve itself into a Committee on the said Bill.

Lord MONTEAGLE considered the present Bill to afford a fitting opportunity for making a few observations on the present financial condition of the country. They had now arrived at the close of a Session in which a much greater amount of money to meet the supplies this year had been raised by taxation and by loan than in any year since that of the termination of the last war by the victory of Waterloo. He did not, however, object to the expenditure they were incurring, or to the amount of money they had borrowed under present exigencies, because he believed there was no one of their Lordships, not even any one of the few who were peace advocates, who was not ready to assent to the principle, that the country being now engaged in a great contest, it was the duty of Parliament unhesitatingly to make all the sacrifices necessary to bring that contest to a speedy and successful termination. There was no circumstance more encouraging or more characteristic of the noble spirit of the people of England than the readiness which both sides of the House of Commons had shown to assist the Government and to make the most liberal provision for the war. But it was not on that account the less our duty to examine carefully the cause we were engaged in. He would, therefore, inquire what was our present expenditure as compared with its average amount for the three years immediately preceding the war? The army expenditure, on the average of 1851, 1852, and 1853, was 6,828,000*l.*; in 1854 it rose to 8,810,000*l.*; and in 1855 it reached 18,789,000*l.* Our naval expenditure underwent an enormous increase, its average on the three years ending in 1853 being 6,828,000*l.*; whilst in 1854 it rose to 14,800,000*l.*; and in the present year it exceeded 19,000,000*l.* The Ordnance expenditure on the average of the three years ending in 1853 was 2,666,000*l.*; in 1854 it increased to 5,900,000*l.*; and this year it rose to 8,644,000*l.* The aggregate expenditure for the war departments, on the average of the three years above named was 16,300,000*l.*; in 1854 it amounted to 29,600,000*l.*; and in 1855 to 46,812,000*l.* Add to this the Vote of credit for 3,000,000*l.*, and we have a sum of nearly 50,000,000*l.* voted this year to defray the cost of the war. We were necessarily required to add to the charges for our debt the total amount for which the country was called upon to provide for the expenditure of the year, including the cost of the civil establishments and the interest of the debt, being between 80,000,000*l.* and 90,000,000*l.* Now, nothing that was really wanted for the purposes of the war ought to be grudged; but he grudged every increased charge, which, going beyond the wants and necessities of the war, introduced a new and bad principle, which must in the end fail. He regretted to find that a large proportion of this enormous expenditure was intended, not so much for the present services in the Crimea and the Baltic, as for the creation in this country of permanent future military establishments infinitely greater than could be maintained in time of peace. Large sums were expended actually and engagements prospectively incurred for erecting huge barracks and camps at home. It was the fashion to say, and no doubt it was to some extent true, that the losses we encountered at the commencement of the war might be attributable to an undue reduction of our military establishments during the peace. This argument, when true, was carried much too far; and it was not true in all cases—far too much of the costs we had endured had been ascribed to that one cause. Even if true, this was a dangerous argument to rely upon. It could never justify extravagance, for when the war was over he did not think the people of England would be found more disposed than formerly to tolerate an undue expenditure, for the purpose of keeping up our military establishments above their just scale, in time of peace. It should be borne in mind that, but for the reduction of our establishments and the consequent remissions of taxation which had been made during the peace, this country could never have accumulated the unexampled wealth and attained the almost inexhaustible credit which now enabled it to bear the colossal burdens imposed upon it since the renewal of hostilities. Experience of the past showed that it would be vain to expect the people of this country to endure war taxation and war establishments at a time when peace should have happily returned. The horrors of war were sufficiently manifest in the double demand made upon the finances of the country between April and

August in the present year. The Chancellor of the Exchequer had laid before the House two Estimates in the course of the present Session. The first estimate proposed in April for the army amounted to 16,221,197*l.*; but there was a supplemental estimate taken for the same service in the present month, amounting to 2,568,335*l.* The Navy estimate in April was 16,653,042*l.*, and the supplemental Vote in August 2,725,971*l.* The first Ordnance Estimate in April was 7,803,154*l.*, and the supplemental estimate in August, 841,138*l.*; making the total original estimate for these three departments 43,677,393*l.*; and two months later adding a supplemental estimate to the amount of 6,135,000*l.*, defended as being the result of the experience gained from a two months' duration of war. In the original budget the Chancellor of the Exchequer had a large deficiency of income to provide for, and, with practical good sense, he had not relied on one single resource as the means of meeting this extraordinary expenditure, but had preferred new taxes to the amount he thought the country could bear, and obtained the balance by a loan contracted in the open market, and made on prudent terms. But finding afterwards that he required an additional grant of 6,000,000*l.* he proposed, by the Bill now before the House, to raise this sum, either by means of issuing additional Exchequer bills or Exchequer bonds. Now, he (Lord Monteagle) intreated Her Majesty's Ministers in that House to impress upon their colleague elsewhere that only the first of these alternatives should be resorted to; he meant the issue of Exchequer bills. The inconvenience attending the issue of Exchequer bonds had been proved by experience, the system was not worthy of a country like this where commercial credit was unbounded, nor did it suit the game of the money market which it was intended to gratify. The issuing of bills at a long date was the spendthrift's resource, and was still more unjustifiable where no fixed fund was provided to pay off the debt. It must be remembered too that a Chancellor of the Exchequer could not now resort to such easy means for raising money as were employed by Mr. Pitt in the French war; there was now no Bank restriction, and Government securities had to compete with railway debentures and securities of all sorts, which in some respects were preferable to the new securities which had been tried and failed. These Exchequer bonds were unwise engagements, being promises to pay at some future time when they had no assurance as to the ability of the Treasury to discharge them. They were also unwise as contracts to pay the same interest for the next four or six years, whether there should be peace or war, and whatever might be the value of money. Exchequer bills, on the contrary, possessed this advantage—that the interest on them could be altered as the Chancellor of the Exchequer thought advisable. Even under all these circumstances the right hon. Gentleman had retained a margin not exceeding some 200,000*l.* or 300,000*l.*, and the vast expenditure into which the country was now plunged made him (Lord Monteagle) regret more than ever that Parliament had been persuaded to repeal the newspaper stamp duty, the most gratuitous and uncalled-for sacrifice of revenue that had perhaps ever been made. This was a tax which was improving yearly, having risen from 320,000*l.* in 1845 to 488,000*l.* in 1854; its continuance was desired by those most interested in the matter, and the result of its remission had been actually to impose an additional tax on the consumers, in at least one case. That the former tax had not been injurious in the case of an ably conducted journal was shown by the great increase in the circulation of *The Times*, which in the last half-year had risen to upwards of 9,000,000—an issue somewhere about three times as great as that of all the other morning papers put together. Then their Lordships should remember that a loan had been guaranteed to Turkey, and advances had been made to Sardinia. He did not complain of either of those engagements, though, by the manner in which the Turkish Loan had been made, this country had contracted an unwise and uncalled-for obligation. Approving of the loan, he thought a grievous mistake had been committed in giving our obligation for the whole, and not for our own share of the loan; he regretted that the same course had not been followed as was prudently adopted by the parties to the Greek Loan. In 1830, Lord Aberdeen, the Duke of Wellington, and subsequently Earl Grey, in the Greek treaty, expressly stipulated that England should only be bound for one-third of the loan, and those eminent statesmen did not think that by so doing they were offering any insult to Russia or France, the other guaranteeing Powers. It was too bad, with this precedent before our eyes, that it should be stated that those who, like himself, had objected to the form in which the Turkish loan was contracted were offering an insult to France; he, on the contrary, affirmed that to have adopted the former course, would not only have been in conformity with an approved precedent, but would have been wise and prudent in so far as it tended to prevent future differences. With regard to Sardinia, they all rejoiced at the assistance afforded by the brave and excellent troops sent from that country to the Crimea; and it was equally certain that the resources of Sardinia were not in themselves sufficient for this object. He would now refer to the financial arrangements carried into effect in consequence of the recent change of system in the War Office. In the observations he was about to make, he meant not the slightest disrespect to the noble Lord at the head of that department, for he believed that noble Lord, from his long experience as Secretary at War, and from his character and abilities, was the man of all others the most likely to overcome difficulties and to vindicate for himself a new claim to the respect of the country. He would not now allude to the military part of the question; but only to its financial results; he would impress on the House and on his noble Friend the necessity of looking practically on this part of the question. In regard, to the financial arrangements of the War Department, he must take the liberty of inquiring and expressing some doubts, whether the object desired had been attained. Under the old system, which he was not the person to defend as one in all respects perfect, the Secretary at War was at least some check on the war authorities in respect to extravagant or irregular expenditure. Mr. Sidney Herbert had stated, in answer to a question put to him, that if any extravagant expenditure was incurred by the Secretary of State, it would be the duty of the Secretary at War to concur with the Treasury in opposing it. He (Lord Monteagle) did not know how that principle of control or check could now be worked out. Was his noble Friend (Lord Panmure) to control himself, for he saw no other control provided. Upon coming into office, under Lord Grey's Administration, he and his noble Friend opposite (Earl Grey) found that, according to the old system, large Votes had long been annually taken under the colour of Army Extraordinaries, which Votes, practically speaking, were at the disposal of the Treasury for any possible object, and had been at times most irregularly applied; as an example, they found, to their astonishment, that the bishops of the Established Church in British North America were paid out of that Vote. The result was that shortly after, in Lord Melbourne's time, those army extraordinary Votes ceased. But there was a question of importance which remained connected with the Commissariat, even after the withdrawal of the extraordinary vote. Then there was a sum of upwards of 1,000,000*l.*, which constituted what was called the Commissariat chest account. That was an unappropriated sum of money, which was used as a banking deposit to enable the department to make advances for the public service, for the army, the navy, and Ordnance; such advances requiring to be repaid out of the Parliamentary Vote. The Commissariat, in its banking and financial functions, recruited the military chests. A more difficult task than to prevent misapplication of any of these advances, and to secure their accurate repayment, did not exist in any department of the civil service. But that was not the only duty of the Commissariat. The officers of that department were distributed all over the world—they had to provide funds for the public service—they had to purchase bullion—they had to draw and negotiate bills for the Treasury, and in all respects to act as bankers. These were functions with which a Secretary of State for the War Department had no necessary connection, nor had he the means or the knowledge of exercising a control. It could only be safely exercised by the Treasury, the supreme financial department of the State, the department bound to accept the Commissariat bills, and to provide funds for their liquidation. He believed the number of persons abroad authorised to draw bills on the Treasury was larger at the present moment and was more dispersed than ever it had been. There were agents purchasing supplies everywhere, and they all had power of drawing on the Treasury; and bills were drawn from Spain and Bagdad, from the Crimea, throughout Asia Minor and Damascus. Are all these agents to be placed hereafter under the Secretary of State for War? Are these bills to be paid and these financial operations to be carried on under his responsibility? There was no authority whatever for so dangerous a system. In the Duke of Richmond's draft Report it was stated—

> "The Commissariat there can be no difficulty in joining with the other departments; but, in doing so, it must not be lost sight of, that it is through the departments abroad that all the other departments in the Colonies and stations are supplied with money in the first instance. It is through them that the Treasury is enabled to check all extraordinary expenditure; they may be considered the bankers of all other departments; they regulate the currency in the Colonies, and order occasional payments, altogether unconnected with army expenditure. Care must be taken not to destroy any of these checks to which we have previously alluded, or impair, in any degree, the control which the Treasury exercises over every extraordinary expenditure."

And the subsequent Commission, of which he (Lord Monteagle) was a Member with Lord J. Russell, Lord Grey, Mr. Ellice, and the late General Sir J. Kempt, had also reported to a similar effect. They said—

> "We are strongly impressed with the belief that the financial transactions of the Commissariat ought to be kept distinct from the management of the expenditure of any one branch of the service; and, if it should be found that the business could not be conveniently transacted by means of distinct officers employed directly under the Treasury, we think it might be arranged that the Commissariat should, in all that relates to their general banking business, correspond with the Treasury, and act under its orders, while they furnish their supplies under the Secretary at War."

The only further authority which he would quote was the more recent one, the noble Lord opposite (Earl Grey), who, in a speech delivered during the present Session, had said—

> "I cannot understand how a department of business (the Commissariat), involving so much detail and so many matters of finance, can be conveniently dealt with in an office constituted like that of the Secretary of State. I certainly think it a description of business that would have been more properly united to departments which are more conversant with pecuniary transactions and with matters of detail."

He contended that the financial transaction of the Commissariat should be kept wholly distinct from its military transactions. He believed that if, in time of war, Parliament left this department under the sole authority of the Secretary at State, they would have to complain of an undue expenditure, and they would make a sacrifice of financial accuracy and security. In the remarks he had felt it his duty to make, he hoped he had not uttered a word implying the slightest distrust of his right hon. Friend the Chancellor of the Exchequer, who, in his opinion, had shown a wise and excellent judgment in his general financial arrangements, nor yet of his noble Friend (Lord Panmure) he hoped; he believed that he had not uttered one word that could give them any pain, but his object had been to bring under their observation and that of the House, matters which, in his judgment, demanded early and most serious attention in order to guard against great and pressing dangers.

THE EARL OF MALMESBURY: My Lords, I should not have risen to address your Lordships were it not for the reference made in the speech of my noble Friend who has just resumed his seat to the Turkish loan. No doubt the Convention through which that loan was raised, between this country and France, is one of the most important financial operations of the Session; still it is not for the purpose of discussing its merits that I rise to say a few words. My Lords, I very much regret I was not present in my place when the discussion took place upon the subject; because it was with great surprise and pain that I read the accusation advanced by my noble Friend the Secretary of State for Foreign Affairs, when he stated that the party occupying these (the Opposition) benches, as well as that portion of the same party having seats in the other House of Parliament, had treated this question as if they doubted the honesty of France and the honour of the French Emperor. My Lords, I think that great man knows sufficient of this country to estimate the value of party accusations against political opponents. He has lived long enough amongst us to know that what may be uttered on either side of the House in the heat of debate is widely different from the language and conduct of the same persons elsewhere; and certainly I never saw an instance in which that truth has been more clearly verified than when my noble Friend the Secretary for Foreign Affairs rose in his place and accused the Opposition of suspecting the honesty of France and the honour of the Emperor in relation to this Convention. But the sacred horror which my noble Friend felt at the danger of the Convention being stultified by a division in the Upper House of Parliament made him forget what took place when I had the honour of holding the office which he now conducts with so much ability. Let me remind your Lordships, but above all let me remind my noble Friend the noble Marquess (the Marquess of Lansdowne), for he is more particularly concerned, that when I had the honour of being Secretary of State for Foreign Affairs, I found before me in the Foreign Office a Convention that had been drawn up and completed by the Government which preceded ours—a Convention between England and France relating to the extradition of offenders. That Convention had already been agreed to, and I made no alterations in it except to liberalise it in some respects. Now, what took place with reference to that Convention? When the matter was brought under your Lordships' consideration, I will not say my noble Friend (Earl Granville)—who immediately preceded me at the Foreign Office—actually opposed it—though he remained during the discussion in solemn silence, and did not in the slightest degree offer me any assistance in defending it. But certainly those who had been the colleagues of the noble Earl—and most especially the noble Marquess (the Marquess of Lansdowne), most violently opposed the Convention; and it was quite in vain that I urged on them the Convention had been signed and ratified. And what was their argument? Did they at all cast suspicions upon the honour of the French nation and the French Emperor? Why, they said that if the Convention was ratified by Parliament the French Emperor would use it to get hold of some of the political refugees in this country. Yes, my Lords, such was the excuse alleged for the non-acceptance of a Convention already ratified between the two Sovereigns, and by the very men, and by the same party who now throw in the teeth of noble Lords on the Opposition side of this House and their Friends in the other House of Parliament, that they have taken an unusual course in attempting to oppose or stultify any treaty, and who cast on us the stain of doubting the good faith and honour of the Emperor of the French in the strict observance of treaties.

THE EARL of CLARENDON: Really the noble Earl and other noble Lords are quite under a misapprehension on this subject. I never made any such accusation against them. What I did say was, that some of the arguments used elsewhere in discussing the Turkish loan treaty would seem to throw a doubt upon the honour and good faith of an ally. I did not say that any one did or could entertain a doubt of the honour of France, but that the arguments used might be construed to imply a doubt.

THE EARL OF MALMESBURY: My Lords, I am extremely glad that I have taken an opportunity of referring to this subject, because I believe your Lordships cannot be too often occupied in repeating the unanimous feeling of confidence which pervades the nation in the high honour and integrity of France and her Emperor. But what I wished to impress upon your Lordships—in the absence of the contradiction by the noble Earl—was the unfairness of such an accusation coming from those who, when I had the honour of holding the seals of office, prevented me from supporting by an Act of Parliament a Convention that had been signed and ratified between the two countries. As I have already intimated to your Lordships, I now repeat, I was always impressed with the importance of the Convention, and I thought Parliament ought to be most careful before it stultified an act of such importance as a Convention signed by two Sovereigns. I am certainly much gratified to hear my noble Friend's denial of to-night, and I can assure him that I should not have alluded to the subject were it not for what I saw stated in the newspapers, confirmed as that was by remarks in private conversation.

EARL GRANVILLE thought the explanation of his noble Friend (the Earl of Clarendon) would have been unnecessary if the noble Earl (the Earl of Malmesbury) had himself been present when the former discussion took place. With regard to the Convention which the noble Earl had moved when he held the seals of the Foreign Office, he could hardly reconcile the noble Earl's charge against him now, for being so solemnly silent, with his compliment then, for the striking contrast his conduct afforded to the conduct of his Friends upon that occasion. With regard to the Turkish loan, he had never reproached the noble Lord (Lord Monteagle) for bringing the question forward. He should never complain of any Member, of either House, pointing out every possible objection to such a treaty, and warning the House of any dangerous consequences which might flow from it. Whether it was justifiable for a party—feeling unable to turn out the present Government, but professing to support them in the most vigourous prosecution of the war—to join with those of an entirely opposite opinion, and thereby run the risk not only of enfeebling the Government, but diminishing the means of assisting Turkey and endangering the good understanding between this country and France, which up to the present time had been maintained with remarkable honour and good faith, was quite another question, and into that question he did not wish to enter. His noble Friend (Lord Monteagle) had alluded to that passage of his (Earl Granville's) speech in which he humorously described himself as a buffer between the noble Lord and the right hon. Member for the University of Oxford. His right hon. Friend Mr. Gladstone, had complained to him of the simile if it were intended to imply two bodies actively in collision, because he denied that he was a party to any collision with the noble Lord. In this matter of the Turkish loan their opinions did not appear to accord, and he would again entirely decline acting as a buffer between the noble Lord and the right hon. Gentleman. He would not enter upon the ground which the noble Lord had travelled over, but he would merely say the object of the Government, in putting in the alternative of Exchequer bonds, was to secure any advantage which could be obtained from their becoming more and more a favourite security with the public. With regard to the military questions, he should of course abstain from giving any opinion. It was impossible to deny that, for her great resources the country was much indebted to the revision of taxation which had taken place, and, as to any reductions which might hereafter be effected, he only hoped, when they luckily arrived at a time of peace, no unnecessarily large establishments would be kept up, but at the same time that the reductions would be carried out in such a manner as to maintain the efficiency of our establishments.

Lord CAMPBELL remarked that the noble Lord had referred to the Convention with France as to the extradition of prisoners; and he might say that no blame at all attached to the noble Earl (the Earl of Malmesbury). In reference to that matter it had turned out that that Convention, without any blame to the Government, was contrary to our law, and could not be carried into effect constitutionally. He was convinced on that occasion that it would be highly impolitic to pass an Act which would subject political refugees to be treated as criminals.

Earl GREY: My Lords, as the subject of the Turkish loan has been referred to, I cannot avoid taking this opportunity of expressing my opinion of the great impolicy of the Convention which has been entered into with France and Turkey. Without imputing the slightest suspicion of the French Government, without implying the smallest distrust of the honour and good faith of our ally, I submit that the form of the Convention is singularly calculated to lead to future difficulties between the two countries, to disturb that good understanding which now happily exists, and to throw on this country a financial burden much heavier than we are now led to expect. This is an arrangement which is to last for a long course of years, and will not be completed until probably all who have contributed to carry it into effect will have either ceased to take a part in the management of affairs, or have ended the term of their natural existence. We are, in the first place, made responsible for the whole interest of the Turkish Loan if Turkey does not pay, and I conceive no man in his senses believes that the Turkish Empire will be in existence forty years hence, or that there is the remotest chance of our not being called upon to pay the interest which we have bargained to pay. When we have paid that interest, it will be for us to call upon France to reimburse us her proportion. But, looking at the future, many changes may take place, and many questions may arise between the two countries which are now upon the best possible terms. Having some supposed set-off, the French Government may claim the right of withholding that payment; we, on the other hand, not admitting any such right, may insist on being reimbursed, and difficulties may arise between the two countries. We have examples in our own history how little those who conclude arrangements of this kind can foresee what may happen in the course of a very few years. Your Lordship cannot forget the circumstances of the Russian-Dutch Loan. We all remember how this country guaranteed that loan. We also know that the honour of this country stands deservedly high, and that no party will ever sanction any course of proceeding which is not Consistent with good faith; yet within fifteen years after we had entered into that convention there was the greatest difficulty in inducing the House of Commons to enable the Government to keep up the payments on the loan we had guaranteed, on the ground that circumstances had arisen which made a very numerous party in this country argue we were no longer called upon to continue our payments on account of the Russian-Dutch Loan. Those who remember the circumstances are aware that the Government were scarcely able to maintain the arrangement in the House of Commons.

Lord DENMAN said, his father, who was Attorney General at the time, expressed his opinion that the rupture between Belgium and Holland did not in any way affect our obligation, and that good faith required the payments should not be interrupted; those payments never were interrupted, and had always been made in due course.

Earl GREY: The statement of the noble Baron confirms my argument. He states truly, that his respected father gave an opinion, the soundness of which no one can doubt, that the obligation of this country continued binding. Notwithstanding that high opinion, it was with the utmost difficulty that the Government were able to maintain in the House of Commons the obligation of continuing the payments. Nothing but the positive declaration, that the Government would not consent to hold office if they were defeated, coupled with very great exertions on their part, enabled them to maintain that arrangement in Parliament. If such doubts could arise in this country within so short a period, was there anything which savoured of disrespect to France to contemplate that twenty or thirty years hence the Government which might then exist in France could not contend that some circumstances had occurred to relieve them from the obligation, and would not decline to pay their share of the loan, leaving the burden upon us? These circumstances are not only possible, but probable. The whole system of guaranteeing loans for foreign countries is one that experience has taught us it is desirable to abandon. A loan is, indeed, a subsidy in disguise, and I had much rather that the Government had given the money to Turkey at once and openly. It is true we are told, "It is only your name that is wanted; the obligation will never fall due; the resources of Turkey are so ample that the use of your credit is all that is wanted." This is the language addressed sometimes to young gentlemen by their seniors who wish to prey upon their ignorance and credulity. They say, "There is no difficulty about getting the money, but the money-lender likes to have some security; it is only putting your name upon the back of the bill; it is a mere form, and does not signify anything." Too often the young gentleman afterwards finds that it would have been far cheaper to give his assistance to his friends by a direct gift or loan than by the mode of backing a bill. The Government has taken a similar imprudent course with regard to Turkey, and I fear it will be followed by the same results. I believe that, out of all the millions which this country has voted in subsidies, not one of those subsidies has been followed by the advantages which this country has expected from them. Still, if we are to have subsidies, let us have them in a plain and straightforward manner, and not subsidies in disguise. If you give your money, you may take some security that it will be devoted to the purposes for which it was intended. If you say you will pay the bills, you may send your own officers to see that the money goes to the soldiers and to the merchants who supply provisions for them, and your object will then be accomplished. But if you only give security for Turkey, you cannot, without setting aside her independence as a nation, prevent her from having the control of the money. Your Lordships know the present state of that most corrupt of all Governments, the Turkish Government, and that it is notorious that, of the money which ought to go into the Turkish Treasury for public purposes, no small proportion goes into the hands of corrupt pachas and griping money-lenders. Your Lordships well remember the distressed state of the Turkish army in Asia last winter. By the concurrent testimony of all the newspapers, the state to which the army was reduced was, not because Turkey had not a sufficient sum of money wherewith to pay the men, but because the funds had been the subject of unbounded peculation. In all countries there is a disposition to extravagance in the expenditure of the Government money, but in a country like Turkey that extravagance and peculation it is impossible to check. I did not intend to advert to this subject, but it has been incidentally raised by my noble Friend. Before I sit down, as the Bill before the House provides another loan of 7,000,000*l.*, it is impossible for me to forbear expressing the alarm and regret with which I have received this proposal for an additional loan. My Lords, we have already sanctioned a loan of 16,000,000*l.*; then there is the guarantee of the Turkish loan, which, in the most favourable view, is equal to another loan of half the nominal amount, 2,500,000*l.*; then there is the

7,000,000*l*, which the Government are now authorized to raise—making a total of 25,500,000*l*., of borrowing which Parliament has sanctioned in a single Session. My Lords, I for one look with the utmost dismay on such draughts upon the resources of the country. My noble Friend (Lord Monteagle) has already called attention to the enormous amount of our present expenditure, for, in addition to these loans and our largely increased taxation, the expenditure is going on at a rate that is truly frightful. It is impossible for an expenditure of this amount and for this vast borrowing to go on long without the most serious results—results that will not end with the war, but which will remain, for a long day after the present war has terminated, to press severely upon us. My Lords, among the ill effects of this enormous expenditure which has been largely met by borrowed money, the worst is the moral effect upon the people of this country, and there are already unmistakable signs that there will be found in this country the same consequences that have been invariably produced by the same circumstances in other countries and other times. My Lords, when either individuals or nations are engaging in a large expenditure, which is partly defrayed by loans, there arises a spirit of profusion and a neglect of all wise economy which leads to the most fatal results. Your Lordships cannot look with attention on what is going on around you without seeing that this is taking place as the result of the large national expenditure. Apart from all questions of the policy of the war—if I could agree that the war in which we are engaged is politic and necessary, and if I agreed—as I heartily do—that, having engaged in it, it should be carried on with the utmost possible vigour, still I see unmistakable signs that it is being carried on without that due regard to economical consideration which should direct those who are charged with the management of affairs:—on the contrary, I am persuaded that a spirit of great extravagance has prevailed, and that the same real amount of service might have been attained at far less cost if the money voted by Parliament had been judiciously expended. I do not altogether blame the Government for this—the blame partly rests with the Houses of Parliament—but the bad effects of this profuse war expenditure and the excitement that war creates are that they produce in the nation a general spirit of disregard of all considerations of economy. The House of Commons, which ought to be a check upon the Government and prevent the public money being wasted, seems, on the contrary, to have no other duty than to call for the most unbounded expenditure, and to vote without inquiry any enormous sum that may be asked for. It is the same with individuals. Every person connected with shipping or commerce of course is trying to make as much as possible out of the Government by the commodities which they supply, or the facility which they afford by the use of their vessels. In other respects this profuse expenditure is producing a corrupt and demoralizing effect upon the national character that is attended by the most fatal consequences. My Lords, it does in my opinion, become us and the country to consider what is the present state of the world, will be the ultimate effect of this system upon the future power and welfare of this country. My noble Friend has alluded to the enormous accumulated resources which have been husbanded during a long peace. Your Lordships will remember that when peace comes again, all these demands upon the public exchequer, which we are now recklessly incurring, will have to be provided for; that there will be the interest upon these loans to be met, and a heavy expenditure upon the reduction of your warlike and military armaments. You cannot go back after increasing your establishments to this enormous extent to where you were before, for personal claims and vested interests will be created which it would not be just to disregard. You must be prepared, my Lords, to look at these questions, and, whenever peace comes, the duty of adapting your establishments to the altered state of public opinion will be one of immense difficulty; but this is not all. At the very time these demands are made upon you the nation will have become impatient, and we may then see a reaction from the present temper of extravagance to a disposition to make overhasty and imprudent reductions. That is the more probable because the Government seem to have entered upon that most mistaken policy of embarking upon a large expenditure during the time of war for particular purposes unconnected with the war. I have already pointed out the impolicy of expending large sums of money upon fortifications and barracks at home which cannot be wanted during this war, and which are not likely, according to the system pursued, to be done in a proper manner. When the time comes that this reaction shall take place and when injudicious reductions shall be called for, this House will have the most difficult question to consider, how to relieve the people from the pressure of taxation? Your Lordships will remember that the state of the world is much altered from what it was in former days. Already a great stream of emigration is setting out—an emigration not only of the best of the population, but of those men who carry with them no inconsiderable portion of the national wealth. If your taxes press too heavily on productive industry you will artificially increase that tendency to emigration, by rendering it difficult for men to live at home, and thus you will injure the very sources of your power. The same effect will be produced upon your trade. In the present state of the world, with active rivals on the other side of the Atlantic, with the competition of your Colonies to contend against, you cannot, without injury to the vital sources of your power, impose taxation upon trade and industry beyond a certain amount; and therefore, when peace returns, you will find, if this system of loans is carried much further, that you have inflicted a most irreparable injury upon the nation. I hope that these things will be considered not only by your Lordships but also by the public, and that there will be a general desire to prevent the continuance of this system of enormous expenditure and ruinous loans.

Motion *agreed to;* House in Committee accordingly. Bill *reported*, without Amendment: and to be read 3^a on *Monday* next.

LIMITED LIABILITY BILL.

Amendment *reported* (according to Order.)

LORD CAMPBELL said, he would again implore the Government to reconsider its determination not to insert a *minimum* of capital. He firmly believed that unless some *minimum* of capital was fixed, the greatest possible injury would be inflicted on the operation of this Bill. There was nothing in the Bill at present to prevent Joint-stock Companies being formed and actually carried out with a capital of 50*l.* The Act required only that there should be twenty-five shareholders, and that the shares should not be less than 10*l.* each, the sum of 2*l.* only being required to be paid up; so that each of the twenty-five shareholders, holding one share on which he paid 2*l.*, would be able to avail himself of the privileges of this Act. He confidently believed that bubble Companies without number would be formed, if this Act were passed, and he trusted that Government would consent to adopt the principle of a *minimum* in the Bill.

EARL GRANVILLE could not conceive upon what grounds the noble Lord's apprehensions of evil from the want of limitation which he sought to introduce were founded. He (Earl Granville) was at a loss, even supposing Companies should be formed with a capital of 50*l.*, which he much doubted, to know what harm would result. How could Companies formed with a paid-up capital of 50*l.*, and a nominal capital of 250*l.*, inspire persons with confidence in the shareholders collectively, which was not felt for those shareholders individually.

EARL GREY thought it extremely ridiculous to provide that under this Bill, which incorporated the whole machinery of the Joint-stock Companies Act, Companies might be formed with directors, auditors, and secretary—and all for the purpose of managing the affairs of a Company with a capital of 250*l.* It was a most absurd thing. If it were desirable to form such Companies, an alteration of the law of partnership would be the best mode of bringing about such a result.

LORD STANLEY OF ALDERLEY perfectly agreed with the remarks which had just fallen from the noble Earl opposite, as to the absurdity of setting in operation the machinery of the Joint-stock Companies Act for such small capitals; but in his opinion that very absurdity was the best security against the establishment of such Companies. The expense would be too great to admit of their being formed. Her Majesty's Government had introduced a Partnership Bill, but they had not been able to proceed with it through the other House. It was, however, their intention to reintroduce it in the next Session.

LORD REDESDALE wished to know what would be the nature of the liability incurred by Companies formed under the Bill, carrying on manufactures from which revenue had to be collected? Would each shareholder in the Company be severally liable for the payment of excise duties?

LORD STANLEY OF ALDERLEY did not see that in the event of Companies being formed for such purposes any greater difficulties would arise than those which existed in the case of individual manufacturers.

Lord CAMPBELL was understood to say that if any offence against the revenue laws were committed, the managers would be liable to any pecuniary penalties in *solido*.

The Earl of HARROWBY thought the plant or other property of the Company would be a sufficient security to the revenue.

Earl GREY again brought forward his clause providing for an independent audit of the accounts of all Companies to be formed under this Bill, which he said he considered so very important, that he thought it his duty to renew his Motion of the previous night. His object was that the auditors should not be appointed by the directors of the Company, which would make the audit delusive, but by the Commissioners for Auditing the Public Accounts. There could not be any objection to this, unless it was intended that the audit should be a sham; but Parliament meant that it should be real and effective; and all he desired was to secure that it should be so. In his belief, it depended upon an independent audit whether the measure should be, or should not be, made the means of wide-spread fraud.

Lord STANLEY of ALDERLEY opposed the Amendment. The publicity which was the essence of the Bill, had no reference to making public the mode in which the Companies transacted their business, but to giving the shareholders the security which was derivable from proper accounts. Moreover, it would be very objectionable to make the Government indirectly responsible for the audit by giving to a Government Department the appointment of auditors. Added to this, the effect would be to increase the expense.

Lord CAMPBELL was astonished that the Government should object to this Amendment, which he believed was most important. The Joint-stock Companies Act required the audit which was now proposed, except as to the mode of appointment. Every enactment in that Act must be applied to the Companies under the present measure; and, among others, the provisions as to credit. The Joint-stock Companies Act (8th and 9th Vict.) required an audit and the publication of the accounts; yet the noble Lord actually said he deemed it undesirable that the condition of a Company should be made known.

Lord Stanley of Alderley

Why, as the law stood, it must be made known. Before there could be a registration there must be an audit by the Board of Trade. The audit by auditors appointed by the directors would be a delusion and a snare; and if there were any fraudulent intention this delusive audit would be the best means of promoting it.

The LORD CHANCELLOR objected to the proposal. If they were considering, as they might have to do next year, a general measure for regulating Joint-stock Companies, it might be a proper subject of consideration whether their accounts should be audited by public functionaries. But the clause now proposed did not say how many, or when, or in what way the auditors should be appointed.

Earl GREY could see no difficulty in the case. All that would be necessary to be done would be for a Company to send a letter to the Commissioners of Audit requesting them to send some person to audit the accounts. If the words as they stood were not sufficiently clear, he was willing to adopt others which might be suggested as more appropriate.

Earl GRANVILLE was of opinion that there would be great difficulty in the way of the practical application of the proposed power.

Lord MONTEAGLE thought the difficulties were not insuperable. If the matter was deferred until next Session, an objection would be raised to any such provision, that it was contrary to the contract under which the Companies were formed.

Earl GRANVILLE promised to consider the clause, and see if it was practicable to introduce it into the Bill.

Clause *withdrawn.*

Lord CAMPBELL proposed a clause to allow costs against shareholders when the Company had no assets against which execution could be levied.

Clause *agreed to.* Further Amendments made.

Bill to be read 3^a *to-morrow.*

House adjourned *till* To-morrow.

HOUSE OF COMMONS,

Friday, August 10, 1855.

Minute.] Public Bill.—3° Despatch of Business, Court of Chancery.

THE HOUSES OF PARLIAMENT.

In reply to a question from Mr. Spooner, Sir BENJAMIN HALL said, that the money voted on account in respect of the Houses of Parliament was for the completion of works lately commenced, but three large works—namely, the Victoria Tower, the Clock Tower, and the plot of buildings between the Victoria Tower and St. Stephen's Porch, were not included. He had seen Sir Charles Barry, and had told him that he would not sanction any new works whatever until he saw that the works now in hand were on the eve of completion. From the conversation which he had had with Sir Charles Barry, there was every reason to suppose that the money which had been voted would be sufficient to carry out the works to which it was intended to be applied—and he had instructed him that he was on no account to deviate from the plans, unless he received a written authority to do so from the President of the Board of Works.

THE ITALIAN LEGION.

Mr. G. BOWYER:* Sir, I rise to put a question to the noble Lord the First Lord of the Treasury regarding the proposed Italian Legion; and as a few observations on the subject are required, I shall move the adjournment of the House. I think the enlistment of an Italian Legion in itself very desirable in many respects. It will no doubt bring to the aid of Her Majesty's troops a body of men well qualified to discharge military duties. It will also attract to an honourable profession a number of refugees and other persons employed in no particular occupation, and who are now likely to endanger the peace of Italy. The proposed Italian Legion therefore, viewed by itself, has my full approbation, agreeing as I do with the course which Her Majesty's Government are pursuing with reference to the war. But there are other and ulterior matters in connection with the proposed legion which I think well worthy of consideration. When that legion has performed the military services for which it is intended, what is to become of the men of whom it is to be composed? Are they to be disbanded? If they are disbanded, they may return to their own country; and as they will have been accustomed to warfare and military life and discipline, they may probably form a nucleus for renewed disturbances in Italy. That is a matter for serious consideration; especially when a noble Lord, holding a very high position in this country, in the most public and solemn manner, stated views and opinions founded on erroneous information, and calculated to encourage hopes and notions prejudicial to the peace of that country, and indeed to the very object of the noble Lord himself. On those views of that noble Lord, partly sanctioned by the noble Lord at the head of Her Majesty's Government, I beg to make a few observations.

The Italians are a very sanguine people, and it is not unlikely that some of them might infer from the observations of the noble Lord to which I have alluded, that it is the intention of Her Majesty's Government to make use of the proposed Italian Legion after it has discharged its duties in connection with the present war, in carrying into effect the views which the noble Lord has expressed regarding Italy. The wishes of the Sardinian Government have been referred to as a reason for organic changes in the Italian States. It has been said, that as Sardinia has a Constitutional Government, that country is naturally anxious that Constitutional Governments should prevail throughout Italy. But, however that may be, it is worth considering—especially now that Parliament is about to separate—whether it be not true that the history of the present Sardinian Government and the course which it has taken, have in a great degree given rise to the state of things which has been deplored by the noble Lord at the head of Her Majesty's Government. The two invasions of Lombardy by Piedmont are one reason for what may be unsatisfactory in the present state of Italy. Piedmont has thereby been filled with Lombard refugees; persons, for the most part, of turbulent character, who are ready to take part in any revolutionary movement in the neighbouring States. In addition to that, there exists in Piedmont a press of the most inflammatory and agitating nature. And the collision brought about by the Sardinian Government between the Church and the Civil power is calculated to endanger public order throughout Italy. There are also secret societies in Piedmont either sanctioned or not opposed by the Government, and all these circumstances render Piedmont a focus of revolutionary spirit. But I will pass on to the observations of the noble Lord regarding the Papal States.

I have some right to speak on this subject because I was lately in that country and had opportunities of hearing the opinions of persons in authority, and of all classes there. In the Papal States, said the noble Lord, there existed a system of outrage and oppression: persons were imprisoned and subjected to dreadful and cruel punishments in the chief towns, without cause, and without the possibility of the innocent escaping. Now, it would be difficult to devise a statement more incorrect or more entirely devoid of foundation. Let us look at the facts. The Pope returned to Rome after a revolution ending in a system of terror which has but one other example in the history of Europe. During the Roman Republic, the refugees uniting with the lowest dregs of the Roman population, carried on a system of murder directed specially against the clergy. I know one instance which I may mention as an example. The head of a Religious Order, a most venerable person, remained in Rome rather than forsake the sacred duties of his office. He occupied himself in visiting the sick and performing his other ecclesiastical functions, until one day he was warned by a friend that the secret society had resolved to put him to death. He escaped disguised; and he had not been gone a quarter of an hour, when those men came to take him to the place where he was to be murdered. Such were the results of the Roman Revolution. And yet on the return of the Pope to his dominions no one was executed for a political offence: and there are now not more than twenty persons in the prisons charged with political offences. The Papal Government is the mildest in the world; and its proceedings are conducted with the greatest clemency. Let the House remember what was done by our own Government in the Ionian Islands when a revolt took place there. The Ionians sought to assert their own independence, and to unite with the Greek nation to which they belonged. And I do not see why Liberals here should not sympathise with the Greeks. But this attempt was put down. Many of the Ionians were publicly flogged, many were shot, and many were hanged. I know that I shall be told that every Government has a right to defend itself against attack, and that our Government was therefore justified in putting down the Ionian insurrection by severe measures. But I think that our Government ought not to judge harshly of other Governments which used severity in similar circumstances. Yet the Roman Government resorted to no such harsh measures as ours did in the Ionian Islands.

The noble Lord has spoken of cruel, barbarous punishments inflicted in the Roman States. But the extreme punishment in use there is the guillotine, which cannot be called a more cruel punishment than that inflicted in this country. And as to the alleged difficulty of the escape of innocent persons, I say that the proceedings of the Roman Courts are, it is true, dilatory; but that dilatoriness is owing to the extreme conscientiousness with which the proceedings are conducted, and the fear which the Government has of condemning an innocent man. But it has been alleged that persons have been arbitrarily imprisoned in the Roman States. Sir, I must admit that measures of this sort have been resorted to. But they were necessary on account of the existence of those secret societies which are the curse and bane of Italy, and which have never been completely extirpated. Those societies seem to be connected in some way with the character and notions of the Italians. They are so indigenous to the soil as to be almost a national institution, and they have baffled the efforts of every Government to suppress them. A short time ago, the Cardinal Secretary of State narrowly escaped falling a victim to the knife of an assassin at the very gates of the Vatican. That diabolical attempt was the work of a secret society; and so strong was its organisation and discipline that the assassin died without making any discovery of his accomplices. Sir, the House has lately passed a Crime and Outrage Bill for Ireland, giving great and arbitrary powers of imprisonment. That Bill was justified by Her Majesty's Government on the ground of the alleged existence of the Ribbon societies, which very much resemble the Italian secret societies. On the same grounds, strong powers of police are necessary in Italy for the preservation of the public peace and the protection of life. And I must say that the English Government are not blameless for the existence of this state of things in Italy. For when the Roman Revolutionary Government was suppressed by the French, Her Majesty's Consul, Mr. Freeborn, gave the protection of English passports to persons who ought to have been either apprehended or driven away immediately. By means of those documents, they remained at Rome as much as ten days after the French occupation had commenced, and established those correspondences and that secret organisation, which has enabled them to keep up their detestable system of conspiracy.

Sir, I come now to the question of the

occupation of the Roman States by France and Austria. It has been said by the noble Lord the Member for the City of London (Lord J. Russell), that if the French and Austrian troops were withdrawn, the authority of the Pope would be denied. This is not so; though the popular notion in this country is that foreign bayonets are required to protect the Roman Government against its own subjects. Sir, there is no Sovereign in Europe more popular and more venerated than the Pope. Those who know the real state of Italy are aware that the occupation of the Roman States is a matter regarding the policy of France and Austria and the balance of power in that country. The Austrian troops entered the Legations; and France thought it necessary to take possession of Rome and place a force there. During the existence of the Roman Revolutionary Government Rome was filled to an extraordinary extent with refugees from all parts of the world. Rome was the last station, as it were, of the revolutions which had agitated Europe. And the remnants of those revolutions it was, and not the Romans, who carried on the Republican Government and defended Rome against the French. A French or Austrian force was necessary to drive out those men, and to prevent their returning and taking advantage of the characteristic indolence of the people to create fresh disturbances. And if the French were withdrawn, the revolutionary spirits all over Europe and the secret societies would no doubt make Rome their chief point of attack, and the peace of Italy might thereby again be endangered by revolutionary movements at Rome.

Sir, I believe the organic changes which the noble Lord recommended for Italy are quite out of the question in the present state of Europe. On the other hand, Administrative reform is required at Rome, and indeed it is wanted in this country also. The difficulty of carrying into effect that Administrative reform does not arise from the Ecclesiastical part of the Government. And, indeed, the extent of the Ecclesiastical element in the Roman Government has been greatly exaggerated. In truth there is not a large proportion of Ecclesiastics in the Roman Government, considering the nature of that Government. Thus, only two of the Ministers are Ecclesiastics, and all the rest are laymen. The office of Minister of Finance was until lately filled by a layman, and it is remarkable that he did not give satisfaction; whereas the Ecclesiastic who has been appointed in his place has made important improvements, diminishing the Customs duties and revising the tariff—very much on the principles of the tariff of Sir Robert Peel. I will mention another instance of the erroneous notions existing here about the Ecclesiastics in authority at Rome. It has often been stated that the College of Cardinals are opposed to the construction of railways. But this is utterly untrue. When I was at Rome lately, I took occasion, in conversation with a high official person, to point out to him the great importance of constructing a line of railroad from Rome to Civita Vecchia, and to Ancona and Bologna. I told him that I had heard in England that the Cardinals and the Roman Government objected to railways. He however assured me that this was untrue, and told me that the Government had made a survey of the lines which I had mentioned, and that they were ready to give that survey to any Company who would undertake to form a railway in accordance with it. The Roman Government is ready to give facilities for the construction of railways in the Papal States, and the only obstacle to their formation is the present state of Europe arising from the war.

Sir, we have been told by the noble Lord that there is outside of the towns in the Roman States an organised brigandage, which makes the roads unsafe and disables persons from travelling from one part of the country to the other, and that in fact the whole territory is thereby rendered unsafe. Nothing could be more groundless than this statement. The brigandage which formerly existed in parts of that country has been utterly suppressed by the united efforts of the French and Austrians and the Roman Government. I was lately in the Roman States, and I had every opportunity of ascertaining the truth; and I can say from my own knowledge that the whole of that territory is now perfectly secure, and that brigandage no longer exists there.

Sir, I have already occupied the House too long; but I must add that it is a mistake in history, to suppose that the Italian Princes overturned the Constitution of their States and established despotism. The facts are the very reverse. Instead of the Princes overturning the Constitutions, it was the Constitutions which overturned the Princes—except in one instance, in which a revolution which had broken up the Constitution was put down by the army. And these Constitutions having thus ceased to exist, a new state of things necessarily arose, that is to say, absolute Governments. Sir, I must here observe that the policy adopted by the British Government regarding Italy, and especially the mission of Lord Minto, has done more to prevent the establishment of Constitutional Governments in that country than anything else. Lord Minto went to Italy professedly to give wise and prudent advice to the Sovereigns. He told them not to precipitate events, but to proceed gradually towards the establishment of political freedom. But he was very like a man who advises a coachman to drive carefully, and at the same time throws stones at the horses. That was precisely the course pursued by Lord Minto. He encouraged and publicly countenanced the very men and parties, and fomented the notions most dangerous to public order. Then came the French Revolution, and the crisis which overthrew Constitutional Government in Italy. Sir, I will now only thank the House for the patience with which they have heard me, and conclude by asking this question of the noble Lord at the head of Her Majesty's Government: How do Her Majesty's Government propose to provide that the Italian Legion shall not in future become dangerous to peace and order in Italy? Sir, I move that this House at its rising adjourn to Monday.

VISCOUNT PALMERSTON: With regard, Sir, to the Motion of the hon. and learned Gentleman, I presume that it is not his intention to press it, because our future proceedings must be regulated by what takes place this evening in another place. As I apprehend the statement of the hon. and learned Gentleman, he wishes to be informed what arrangements have been, or are about to be made to prevent the Italian Legion from being dangerous to order and tranquillity in Italy at the close of the war, when their services will no longer be required. The Italian Legion, the enrolment of which the hon. and learned Gentleman has applauded, will consist of some 4,000 or 5,000 men, who will, no doubt, be capable of rendering good service in the contest in which we are engaged, and who will distinguish themselves on the scene of operations to which they may be despatched. The hon. and learned Gentleman appears to apprehend that these few thousand men going back to Italy, disbanded or not, will be dangerous to the peace of Italy. I presume that the hon. and learned Gentleman does not seriously entertain the idea that those men will return to Italy not disbanded, for he cannot think that the Government intends to invade Italy with a few thousand Italian soldiers, and therefore what he wishes to be informed about is, as to what security there will be that those men, when disbanded, will not become turbulent members of the country to which they respectively belong. To that inquiry my answer is, that those men, after having undergone the discipline which they will undergo, will be less likely than before to become turbulent subjects. I may take this opportunity of reminding the hon. and learned Gentleman that during the last war in Italy those Sovereigns whom he takes so much under his protection, and whom he defends as friends of order—the Pope and the King of Naples—sent large forces to make war in favour of the revolutionary cause, to turn the Austrians out of the country, and to establish a united Italy. Well, those troops were afterwards disbanded, but I have never heard that they became turbulent, or that they in any way threatened the peace of Italy. I doubt not but that the Italian Legion will return to their homes and become much better citizens in consequence of the discipline which they will have undergone, and the habits which they will have acquired in the service. The hon. and learned Gentleman, however, made some remarks which I cannot pass over without comment, and I think that any real friend of the present system of Government either in Rome or Naples would confer much greater favour upon the Governments which he means to patronise by holding his tongue than by attempting to make any defence of their conduct. I can assure the hon. and learned Gentleman that he is entirely deceived with regard to the state of these countries, and their system of government. The hon. and learned Gentleman says there is no cruelty in cutting people's heads off. That, of course, must be a matter for the opinion of the world in general. A great amount of cruelty may be exercised without the victims of that cruelty being put to death. Everybody knows that the greatest cruelty has been exercised in the kingdoms to which the hon. and learned Gentleman has referred. The hon. and learned Gentleman says that there have been secret societies in Italy, and combinations against the Executive Government which have led to acts of cruelty on the part of the Government, but, at the same time, he says that those who have been most to blame are the British Government and the British Consul at Rome. I cannot admit that the conduct of the British Government has been open to censure, but, on the contrary, I feel the greatest satisfaction in reflecting upon everything which the British Government has done. I think that the censure which the hon. and learned Gentleman has cast upon Lord Minto is altogether unjust. Lord Minto went to Italy for the purpose of consulting with those Governments which were willing or disposed to take his advice, and of recommending them to proceed quietly, dispassionately, perseveringly, and steadily in the course of administrative improvement, to avoid any of those rash steps which might lead to a crisis, and to look to administrative improvements before turning their attention to improvements in their constitution. Lord Minto did not encourage underhand anything that he disapproved officially; all his transactions were fair and aboveboard, and every act of his will bear the strictest scrutiny. With regard to Mr. Freeborn, our Consul at Rome, I believe that he conferred great benefit upon the Papal Government by the course which he took after the termination of the siege. When the revolution was put down, the Republic put an end to, and the French troops entered Rome, many of the men whose brave defence of the city had excited general admiration, if they had remained in Rome, would have become victims of revenge, or the instruments of their own destruction. They would either have suffered great punishment when the Government became reinstated, or they would have been the victims of private revenge, for spoil, rapine, and plunder. Mr. Freeborn, the British consul, with the approbation of the British Government, gave passports to these persons, and freed Rome from what, if they had remained, would have been a source, I conceive, of great internal danger. Instead, therefore, of being open to censure, Mr. Freeborn properly discharged his duty, and he conferred great benefit upon the Government of Rome by what he did. With regard to the present state of Rome, I am not desirous of entering into a discussion upon the acts of another Government, but I may say that certain measures were recommended to the Papal Government by the Governments of England, France, Russia, and Austria, as far back as 1832, which, if adopted, would have been greatly beneficial, and would have prevented many evils which have since arisen. One of the great measures then recommended was what was called the "secularisation of the administrative and executive bodies." It is quite plain that affairs cannot go on well in a country where the administrative Government and the various tribunals are under the sway of a priesthood; and if that be true with regard to all priesthood, it must peculiarly be true with regard to the Catholic priesthood, because the very nature of the Catholic priest—his disconnection from all worldly affairs in being prevented from becoming a husband or father, or from having those social ties which connect men in general with the rest of the community—disqualifies him even more than any other priest from being the executive and administrative agent of a Government in all its ramifications. The hon. and learned Gentleman is entirely misinformed when he says that no oppressive power has been exercised in the Roman States. I can assure him that the prisons in those States still retain a large number of prisoners. A comparison has been drawn between the state of affairs in Rome and the precautions which were taken when a revolt occurred in the Ionian Islands. In the Ionian Islands there was a revolt, and that revolt was put down by force. If similar measures had been taken in Rome to those which were taken in the Ionian Islands the revolution would have been put down, and there would have been no ground to complain that the Government had improperly exercised their power. But the complaint with regard to Rome is this,—that long after the revolution had ceased, and when there was no danger of a new insurrection breaking out, persons have been arrested upon suspicion, not of having done certain acts, but sometimes merely upon suspicion of entertaining certain opinions; that they have been kept in prison without being brought to trial, and that for years they have languished amid all the horrors of a dungeon. The other day I was informed, upon what I believe to be good authority, of a circumstance which, some time ago, occurred in the kingdom of Naples, and which affords us a fair specimen of what is passing in certain parts of Italy. A very respectable man, in a provincial town in the kingdom of Naples, was arrested by the Government authorities, and his friends remonstrated with the officer who had arrested him, saying, "This man is perfectly innocent; he has committed no offence whatever; he leads a quiet life; nobody has accused him of anything, and he must have been arrested through some mistake." The officer replied, "There is no mistake whatever. I know him to be perfectly innocent, and that he has not committed an offence any more than you or I." "Then, why have you arrested him?" was naturally asked. "Why, I have arrested him, because I have been lately taken to task by the Government for want of activity. I have been told, 'You have arrested nobody for such a length of time and you must arrest somebody.' Why then, should I not arrest your friend as well as anybody else?" Such is the course taken by the Governments of which the hon. and learned Member has made himself the advocate. And this is not all. I was informed a short time ago that a man had been arrested in one of these States simply for the purpose of extorting a ransom from his friends, and, that, I am told, is no rare occurrence. In short, you may depend upon it, that when a Government rests its safety, not upon cruelty, but upon making the people happy, contented, and free, it will act in a manner consistent with the security of the State; but so long as it arrests men upon the denunciations of a secret police, authorised to arrest whom they please, to keep their prisoners without trial as long as they like, and then to extort money from their friends for their liberation, so long will there be strictures upon its conduct.

LORD HOTHAM said, he wished to take the liberty of saying that, during a tolerably long experience of that House, he had never witnessed so great an abuse of the privileges enjoyed by private Members as that of which the hon. and learned Gentleman opposite had been guilty. The hon. and learned Gentleman had said that that was the only opportunity he had of making a speech on the subject, but, surely an opportunity had been afforded him when the noble Lord the Member for London brought forward the subject of Italy a few days ago. He thought some measures should be taken to prevent such abuses as those of the power of individual Members, by which the House was prevented from taking up the real business before it.

Motion, by leave, *withdrawn.*

Viscount Palmerston

DESPATCH OF BUSINESS, COURT OF CHANCERY BILL.

[*Progress, 9th August.*] Order for Committee read.

House in Committee.

Clause 1.

MR. MALINS said, he did not blame the hon. and learned Solicitor General for bringing on a Bill of such importance at so late a period of the Session; but it was obvious that the Committee could not give the subject all the consideration it deserved. He had shown that the hon. and learned Gentleman was in error in supposing another Judge necessary, because there was no delay in cases at the Chambers of the Judges. The present system of Chancery administration worked very satisfactorily, and he did not think, from the opinion expressed by the Judges themselves, that there was any necessity for the appointment of additional chief clerks. He did not mean to say that, when the system which had been recently introduced was more fully developed, it might not be necessary to appoint additional chief clerks, or even additional Judges, but at present he believed that any inconvenience might be obviated by the appointment of junior clerks, and he therefore approved generally the objects of the Bill. As the right hon. Member for Carlisle (Sir J. Graham) had the other night referred to the question of Chancery Reform, he (Mr. Malins) might say that he thought some alteration was most urgently required with regard to the system of appellate jurisdiction. All appeals from the Master of the Rolls and Vice Chancellors went to the Lord Chancellor alone. It was felt that that proceeding was a hardship and an evil; and the Act of 1851 was passed to remedy it, creating, as it did, a Court of Appeal with two Judges. Now the system of one Judge reversing the decision of another could never be satisfactory. But the Act of 1851 had not caused that system to cease, for the Lords Justices and the Lord Chancellor, both sitting in Lincoln's Inn Hall in two Courts, still continued to decide appeals separately. He did not see why the Lord Chancellor should be called upon to decide appeals when there was a Court for the purpose, presided over by the Lords Justices. He had known the Lord Chancellor call for the appeal paper, and fix what appeals should be put into the paper, of his own Court. It was an extraordinary anomaly that neither of the two Lords Justices could decide an appeal alone, though both most eminent Judges; whereas, the Lord Chancellor was considered to be sufficient to decide appeals of the highest importance. He put it, therefore, to the serious consideration of the Government, whether the system of appeal from a single Judge to a single Judge should not be got rid of. But it might be said that there was appeal from the Lord Chancellor to the House of Lords. So there was; but the justice administered was not speedy, as an appeal to the House of Lords could scarcely ever be heard under two years. It was, therefore, too slow—too expensive—and neither was the tribunal satisfactory? There was no obligation on any Judge to attend the House of Lords except the Lord Chancellor. Therefore, in no less than five instances during the present year there was no judgment, because the cases were heard only by two learned Lords, and they differed in opinion. The public were prejudiced in favour of the House of Lords; but in reality the peers took no part, the attendance being limited to the law Lords. The Judicial Committee of the Privy Council—a tribunal whose proceedings had given the utmost satisfaction—never consisted of less than three Judges, and generally of four, five, or six, and he did not see why some tribunal of an analogous character should not be established in connection with the House of Lords. With regard to the subject of testamentary jurisdiction, he did not think it desirable to transfer that jurisdiction to the Court of Chancery, but if the Solicitor General brought forward a measure in general conformity with the opinions of the learned Commissioners who had considered the matter, he (Mr. Malins) would do his best to render such measure perfect and satisfactory.

Mr. WIGRAM said, that the object of the Bill was to afford the chief clerks the assistance of an additional number of junior clerks, and it proposed that each chief clerk, who had now one junior clerk, should have an additional junior clerk. He considered it most important that the chief clerks should, as far as possible, discharge their duties in person, and he hoped some explanation would be given of the grounds on which the appointment of the additional junior clerks was recommended. He found it was proposed that the additional clerks should receive salaries of 250*l.* a year. Now, if they were merely to relieve the chief clerks from some of the mechanical duties of their offices, he conceived the salary was too high; while, if they were required to discharge any judicial duties, it certainly was far too low. It was his opinion that if an unlimited power were given to the Lord Chancellor to appoint junior clerks they would not hereafter find that junior clerks would perform their duty in an efficient manner.

Mr. HADFIELD said, he should move an Amendment to the effect that the increased number of clerks should be that of chief clerks, instead of junior clerks. It had been his wish that the Bill should be referred to a Select Committee. He had reason to believe that the chief clerks had discharged their duties in a perfectly satisfactory manner; but if high salaries were paid to those clerks, and very inadequate salaries were paid to the junior clerks, it was not to be wondered at that the junior clerks should seek to evade their work. His opinion was, that it would be better to increase the number of senior clerks, and also to increase their salaries, than add to the number of junior clerks. He would take that opportunity of stating that the solicitors, as a body, were strongly opposed to the Bill. He agreed with the right hon. Gentleman the Member for Carlisle (Sir J. Graham) that as the Bill stood it began at the wrong end, and he would recommend that, instead of increasing the number of junior clerks, they should add to the position and emoluments of the chief clerks. He thought that the whole subject was one which it might be very proper to refer to a Select Committee.

Sir HENRY WILLOUGHBY said, he did not consider that the Amendment of the hon. Member for Sheffield (Mr. Hadfield) would further the object in view of expediting the business of the Court of Chancery. It appeared to him that the increase of business in Chancery should be provided for by an addition to the number of Courts. He had, however, no objection to give aid to the chief clerks in the way proposed by the Bill, if there were an undue pressure upon them, provided the effect were not to constitute them Judges and relieve the Judges from that responsibility which ought to rest upon them.

The SOLICITOR GENERAL said, he must request the indulgence of the Committee for a short time. He wished to allude to the reforms which had recently been effected in the Court of Chancery, and to the benefit which had resulted from them. The result of the recent reforms introduced into the Court of Chancery was that the whole of the administrative functions formerly discharged in Court, to the great waste of public time and the expenditure of the suitors' money, were now discharged in Chambers, at great economy of time and money, and in such a manner as to give general satisfaction. The right hon. Baronet the Member for Carlisle had stated there were 9,000 summonses issued in one year, and upwards of 3,000 orders made. Well, these involved transactions which required to be conducted by responsible persons and yet did not call for any judicial determination or the application of great legal or intellectual powers. Such duties could not be better discharged than by chief and junior clerks. The Judges had unanimously made a representation to the Lord Chancellor for additional assistance, although he was confident that not one of those eminent persons were desirous of in any way avoiding any of the duty which devolved upon him. As regarded the state of business in Chambers, he was prepared to deny that at the present moment there was, except in case of the continuation of examinations which had been commenced, anything like approximation to arrears. He willingly recognised the great propriety of the observations made upon the general question by the right hon. Baronet (Sir J. Graham) and other speakers, and agreed that anything like a return to the former system of Chancery proceedings would be much to be deprecated. Of that, however, there did not seem any danger. He trusted the Committee would have no difficulty in acceding to the proposal for giving one additional clerk to each of the chief clerks, and he was inclined to doubt whether, instead of appointing additional chief clerks, it would not be better to appoint another Judge. On that point, however, he might say that, anticipating the passing of the Testamentary Jurisdiction Bill, it had been his hope, in appointing a Judge to deal with the testamentary and matrimonial business, which would not have occupied more than one-half of his judicial time, that that Judge would have been able to give the other half of his time to the business of the Court of Chancery. There was one point of great importance, to which he might advert here. Several instances had occurred in which the House of Lords, sitting as a Court of Appeal, had failed to discharge satisfactorily its proper functions. He quite admitted that scarcely anything was amended in the judicial institutions of the country until the recognition of the necessity of that Amendment had been passed on, so to speak, from father to son, and from generation to generation; and so it was with regard to the House of Lords. It was, therefore, doubtful how long it might be before they got a tribunal in the last resort satisfactory in its constitution. The members of the present tribunal felt themselves at liberty to attend or not attend, as they pleased; with the exception of the Lord Chancellor all the rest of the Court were mere volunteers; they attended a judicial sitting as they would a debate; they felt themselves at liberty to remain during the whole of the arguments, or not; and the result was, that that Court, the decisions of which ought to be unalterable as the laws of the Medes and Persians, was felt to be unsatisfactory in its constitution and inferior to the lowest tribunal in what ought to be the accompaniments of a Court of Justice. He had already drawn the attention of the noble Lord at the head of the Government to the subject, but he readily confessed that it was one which was most difficult to deal with. He might here express his regret that it was not the rule to confer a peerage on some eminent member of the Scotch Bench, who might thus become a member of the appellate tribunal of the House of Lords. A great number of appeals were every year brought from Scotland, and, besides the advantage which would result from the presence in the Upper House, when those cases came before it, of a judicial personage versed in the law of Scotland, he thought it was only due to the high position and eminence of the Scotch Bench that a peerage should be conferred on one of its members. In conclusion, he trusted the Committee would endorse the unanimous opinion come to by the Judges of the Court of Chancery and the Lord Chancellor, and would agree in the necessity of the slight addition in the Court proposed to be made by the present Bill. With regard to the second section, which gave the Lord Chancellor the power of appointing any number of permanent additional clerks, it was his intention to strike out that section, and to substitute for it a clause enabling the Lord Chancellor, from time to time, as necessity arose, to appoint other temporary clerks. He did not wish to arm the Lord Chancellor with any more power than was really necessary, and he hoped all difficulty on the subject before the Committee would now be removed.

Sir JAMES GRAHAM said, he had felt, when he addressed the Committee the day before, that the subject of the Bill was of the utmost gravity, and that opinion was very much confirmed by the observations to which the Committee had just listened. He had long felt that neither the appellate jurisdiction as it existed in Chancery, nor the appellate jurisdiction, in the last resort, were at the present moment satisfactory. He entertained great doubts as to the advantage of a double Court of appeal, believing that one appeal was for the benefit of the suitors, but that that appeal ought to be an unexceptionable Court. It was not, however, expedient to pursue the subject further on the present occasion. Enough had been said in presence of the noble Lord (Lord Palmerston) to show the opinion of one of the law advisers of the Crown, a man at the head of his profession, as to the necessity of some alteration, and he trusted that that most important matter would receive the careful consideration of the Government. Any change in regard to the appellate jurisdiction of the House of Lords was one of the gravest questions which could be brought before Parliament, because that was one of the most ancient powers possessed by the other branch of the Legislature. Whether they would surrender that power was a matter open to question, but he would remind the noble Lord that it was the duty of the Government, when once they had made up their minds as to the course to be pursued, to bring all their influence to bear in endeavouring to reconcile Parliament to any change which might be thought necessary. He thought that the debate altogether would not be thrown away, and he was quite sure that the zeal of his noble Friend to promote the public interest would lead him during the recess to give the utmost attention to that important subject. With regard to the second clause, there was no reason whatever why it should be retained. Instead of modifying it, it would be much better if his hon. and learned Friend would consent to withdraw it altogether.

Amendment *withdrawn:* Clause *agreed to.*

Clause 2 *struck out.*

Clauses 3 to 9 inclusive *agreed to.*

Clause 10 *struck out.*

Remaining clauses *agreed to.*

House resumed; Bill *reported,* with Amendments.

Bill read 3°, and *passed.*

The House adjourned at a quarter before Nine o'clock.

HOUSE OF LORDS,

Saturday, August 11, 1855.

Minutes.] Public Bills.—3ª Public Houses (Ireland); Public Health Act (1854) Continuance and Amendment; Diseases Prevention; Limited Liability.

CHARITABLE TRUSTS (1855) BILL.

Commons Amendments *considered* (according to Order).

The LORD CHANCELLOR, in moving that their Lordships do agree to the Commons' Amendments on this Bill, said he could not do so without expressing his very great regret that many of the most essential provisions of the Bill had been rejected by the other House of Parliament. In its altered, not to say mutilated state, the Bill came very far short of the advantages which would have been derived from it had it passed in the shape in which it was sent down to the other House. He felt, however, that at that period of the Session, the best thing they could do would be to take what they could get, and with that feeling he begged to move that the Commons' Amendments be agreed to.

Moved, to agree to the said Amendments.

Lord CAMPBELL deplored that the Bill had been mutilated in the other House, and though some service might be derived from it, that service would be trifling indeed when compared to what would have resulted from it if it had passed in its original shape.

Lord LYTTELTON expressed a hope, that early next Session the Government would endeavour to carry through Parliament the provisions that had been rejected in the other House.

Earl GRANVILLE pointed out a great hardship which would still be imposed upon the Commissioners. Those functionaries, who fulfilled those duties with great zeal, found, in nine cases out of ten, they were unable to be as useful as they might be, solely on account of their limited powers.

Motion *agreed to.*

LIMITED LIABILITY BILL.

Order of the Day for the Third Reading read.

LORD STANLEY OF ALDERLEY *moved*, That the Bill be now read 3ª.

LORD LYTTELTON said, he would take that opportunity of making his final protest against the hurried manner in which this Bill had been passed through its preceding stages. It was impossible there ever could be a case to which the Standing Order, fixing a day beyond which no Bills would be read a second time, applied, if this were not that case. The question was a new one; it had never been before their Lordships, and it was one of great importance, involved in much complication. There were differences of opinion upon it, and it peculiarly required the most unmeasured consideration. Having been a Member of that House for seventeen years, he could only say he never knew an instance in which their Lordships had been treated with so much indignity—first, in the Government forcing on the Bill at all; and next, in refusing to refer it to the consideration of a Committee upstairs.

THE MARQUESS OF LANSDOWNE said, he was anxious to take that opportunity of stating that, although he had been distinctly and uniformly, from its first conception, in favour of the principle of the Bill, and although he was in favour of the Bill as it then stood, amended and improved by many of the alterations that had been made in its progress through that House, he did not share in the very sanguine expectations that were entertained, with regard at least to its immediate operation; but he had not the least doubt that the ultimate effects of it would be beneficial. Looking at the measure, and considering the proneness there was in this country, beyond any other in the world, to seek wealth and to expect to obtain it by following untrodden paths, merely because they were untrodden, he believed that great expectations of deriving profit by the operations of the Bill were entertained by many ill-informed parties. But experience would be acquired on the subject, and after it was acquired there was no doubt the operation of the Bill would be beneficial. The Bill was one that rested, and legitimately rested, upon the principle of free trade. By that principle there was established, and would, he hoped, be maintained, in this country the doctrine that any two parties had a right to make a contract in the way most beneficial to themselves; and if one person chose to enter into that contract exposing the whole of his fortune, and if another person chose to enter into the contract exposing only a limited part of his fortune, the one had as good a right to do so as the other, provided care was taken that the parties with whom they contracted were aware of the conditions on which the contract was made. It was necessary that the other parties with whom they contracted, whether it was an individual or a public Company, should be made duly sensible of the nature of the risk they ran; and it was the peculiar duty of Parliament in passing an enactment of this nature to provide that such should be the case:—he trusted, therefore, that the securities introduced into the Bill would be sufficient to enable every person to know precisely the nature of the contract he entered into when he undertook to supply this new Company with anything it wanted, and that they would likewise be sufficient to provide the means by which every person taking part in the Company would know exactly the amount he risked. There would probably be failures at the commencement from the too sanguine expectations which were raised. In one respect, he thought there would be a great social improvement effected by this Bill; one of the evils of the commercial and social intercourse in this country being that the credit which was so useful in large transactions, and without which men could not carry out those transactions, was carried down to minor transactions, thereby producing a number of disappointments and losses. He should be extremely glad, if the persons who became connected with the Companies established under the Bill did so with their eyes open, and that they would receive that immediate payment which he sincerely wished was more generally required in this country in all transactions, and which he hoped the Bill would serve to introduce. Upon these considerations, he was of opinion the Bill was one in which the Government had a right to introduce a Motion for suspending the Order, for introducing which he always thought their Lordships were much indebted to his noble Friend (Lord Redesdale). He was glad of the opportunity of saying, nothing would have induced him to vote for the suspension of the Order in this case had he not thought, perhaps erroneously and differing from others, that it was a case of urgency. It was within his own knowledge that many of the most useful and legitimate undertakings, to some of which he would subscribe himself if it were not for the law of unlimited liability, were kept in a state of suspended animation for want of a measure of this sort, at a time, too, when there was the greater necessity of calling into action all possible resources and encouraging every possible extension of employment. It was upon that ground he had voted for the suspension of the Order, and he should deeply regret if the consequence should be to affect that Order in general, or to induce his noble Friend to withhold his constant watchfulness upon its due observance.

Lord REDESDALE said, he must thank the noble Marquess for the speech he had made, for he had most distinctly laid down that it was the urgency, and not the importance, of a measure which should exempt it from the operation of the Order. His (Lord Redesdale's) objection still remained to the Bill, and he was convinced that it was an extremely imperfect measure. His opposition throughout was not directed to the principle of the Bill, but he desired to improve it and render it a working measure. He had done all he could to improve the Bill, and many things their Lordships had done tended to improve it. He thought it materially improved, so far as it applied limited liability to existing Companies upon their giving proof of solvency. There could be no objection to give to such Companies the limited liability provided by this Bill; but that was not the case with regard to many Companies that would be formed by this Bill. Many Companies would be got up by persons who would derive profit by starting Companies, and getting a certain amount of deposits, out of which they would obtain payment for their own labour. Such Companies would not arrive at maturity—there would be a good deal of plunder of the smallest capitalists—and the question was, how far it would be expedient to require that a Company should be fully registered for a couple of years, and then subject to audit, before they could take advantage of the limited liability. By doing that the public would have some assurance as to the mode in which they would conduct themselves in future.

Lord CAMPBELL had no difficulty in voting that the Bill be read a third time, and that it do pass. He regretted that their Lordships had not had more time for the consideration of the Bill, but he had been, and was still, of opinion that a case of urgency had been made out for the suspension of the Standing Order. He was afraid that great disappointment would arise from the operation of the Bill as it stood. There were very few trades to which the principle of Joint-stock Companies could be successfully applied; but, on the other hand, he thought there was no great danger of indiscreet credit being given to Companies of limited liability.

Lord MONTEAGLE trusted that the gentry, clergy, and friends of the working classes would advise them against inconsiderately entering into speculations arising under this Bill.

Earl GRANVILLE expressed his regret that a charge of showing disrespect to the House should have been made against him by his noble Friend (Lord Lyttelton). The urgency of the case had been acknowledged by the noble and learned Lord behind him (Lord Campbell), and by his noble Friend the Marquess of Lansdowne, whose authority on a question affecting the dignity of the House could not be diminished by the fact of his being connected with the Government. He (Earl Granville) was glad that this had been acknowledged, because he would be most unwilling to be deemed wanting in respect to their Lordships' House. He very much doubted if the Bill would be improved had they a longer time to consider it, for all the Amendments proposed were restrictions on the principle of the Bill, and he thought that the Bill would go forth with a greater chance of success if these Amendments had not been introduced. Observations were made with regard to the speculative feeling it would create, and people might be foolish enough to be deceived by groundless expectations; but the principle of the Bill was, on the one hand, to limit the expenditure, while in the nature of things it was likely to limit the profits. They had no right to consider that in passing this Bill they had discovered anything new. Under the common law any two persons under a special contract could limit their liability, and all they proposed was, that a general measure should supersede the necessity for special contracts.

Lord DENMAN hoped that this Bill would be the forerunner of a more general system of free trade in the application of capital to mercantile engagements, and that it would lead to the adoption of the American system of *commandite* and *commanditaire*. In the meantime the present

Bill would, he had no doubt, confer a benefit upon the community.

After a few words from Viscount St. Vincent,

Motion *agreed to.*

Bill read 3ª accordingly, with the Amendments.

Lord STANLEY of ALDERLEY, although he still entertained an opinion that it would be a matter of extreme difficulty to interfere in the auditing of Companies' accounts, yet, in deference to what appeared to be the general feeling of their Lordships, proposed to add a clause to the effect that, in the event of any Company, formed under this Bill, obtaining limited liability, and being subject to the Joint-stock Companies' Act, if one auditor only be employed to audit the accounts, that he should be nominated subject to the approval of the Board of Trade. If two or more auditors were appointed, one of them must be appointed by the Board of Trade, and in the event of no auditor being appointed by the Company, then the Board of Trade to have the power to appoint one, as it now had under the Joint-stock Companies' Act.

Clause *agreed to,* and *added* to the Bill.

Lord MONTEAGLE proposed a clause, to the effect that nothing in this Bill should exempt Companies formed under it from being subject to the provisions of any future Act for the better regulation of Joint-stock Companies.

Lords Campbell and Stanley of Alderley opposed the clause as unnecessary and mischievous.

Clause (by leave of the House) *withdrawn.*

The LORD CHANCELLOR proposed, after Clause 15, to add a clause expressly rendering Companies formed under this Bill subject to the provisions of the Joint-stock Companies Winding-up Act.

Clause *agreed to,* and *added* to the Bill.

Bill *passed,* and sent to the Commons.

House adjourned to Monday next.

HOUSE OF COMMONS,

Saturday, August 11, 1855.

LIMITED LIABILITY BILL.

Viscount PALMERSTON moved, that the Lords' Amendments to the Bill be taken into consideration.

On the first Amendment, fixing a minimum of twenty-five shareholders in Companies to be formed under the Act,

Lord Denman

Mr. W. WILLIAMS said, the Amendment, he considered, was fatal to one of the chief objects of the Bill, and hoped the House would not adopt it.

Mr. J. G. PHILLIMORE said, he concurred in objecting to the Amendment as injuring the value of the measure, but thought it would be better to take the Bill in its present shape than run the risk of losing it by dissenting from the changes made in it.

Mr. MALINS said, he regretted the insertion of the Amendment, the only effect of which would be *pro tanto* to favour the formation of bubble Companies. Ten persons possessing an adequate amount of substantial capital would not be able to unite in any undertaking, but they might do so by associating themselves with fifteen others, who might be men of straw, in order to make up the required number of twenty-five shareholders.

Mr. APSLEY PELLATT said, he thought at one time that the effect of passing the Bill would have been to have called forth a large amount of dormant capital; but he feared that, if passed in its present shape, its effect would be decidedly the reverse of that which he had anticipated.

Amendment *agreed to.*

Amendment requiring that, in order to admit existing Companies to the privileges of limited liability, a certificate of solvency must be given by an auditor appointed by the Board of Trade, after a full examination of the accounts of the Company.

Mr. WILKINSON said, he thought that there would be a great deal of difficulty connected with the issue of such certificates, as it would be impossible for the Board of Trade to appoint efficient auditors for examining the affairs of every Company.

Mr. BRAMLEY-MOORE said, he considered that it would be perfectly impracticable to carry out the proposed plan. If the shareholders of a Company were disposed to be dishonest, they could be so in spite of all the diligence exercised by the auditor to prevent it. He, therefore, hoped the House would not assent to the Amendment.

Viscount PALMERSTON said, it was his opinion that many of the Amendments introduced by the other House were very objectionable, and regretted that they had been inserted in the Bill. At the same time it was necessary to make some allowances for them. It had been found impossible to send up the Bill to the other House until a very late period, and that House, without being very unreasonable, had taken objection to discuss the Bill upon the ground of want of sufficient time. The objection, though raised, was, however, overruled, but there were still in the other House, as in that House, some sincere objections against some parts of the Bill. There was no disposition on the part of the Members of the Government in that House to give way unnecessarily to the Amendments which they thought objectionable. All matters of great difficulty, must, however, be carried by some amount of compromise of opinion; and, in his opinion, although some of the Amendments introduced were undesirable, it did not appear to him that any of them would essentially mar the operations of the Bill. If it should be found in practice that any of the Amendments did interfere with the operation of the principle of the Bill, it would be very easy in the next Session to bring in an amended Bill, and there would be no difficulty in removing any obstacle which might stand in the way of such legislation.

Mr. MALINS said, he thought that if the Members of the Government in the other House had been more firm, those Amendments, which would greatly impede the operations of the Bill, need not have been inserted.

MR. W. WILLIAMS said, he must again express his confident opinion that it would be much better to give up the Bill altogether than to agree to it in its present shape; for, if passed, it would produce nothing but the greatest disappointment throughout the country.

THE ATTORNEY GENERAL said, he thought that it would be far better for the House to agree to the Bill in its present shape, than endanger it by refusing to agree to the Amendments. By passing the Bill they would have obtained the sanction of the Legislature to the great principle of limited liability in matters of partnership. He fully concurred in the opinions expressed with respect to the mischievous tendency of the Amendments introduced by the other House; but they had, however, obtained the great advantage of having the principle of limited liability in commercial transactions fully admitted. It was absolutely impossible, if the Bill were passed, that a long time should elapse without reconsidering the whole subject.

SIR WILLIAM JOLLIFFE said, he thought that there was no necessity for passing the Bill for the purpose of obtaining the sanction of Parliament to its principle, inasmuch as the principle had been fully admitted by both Houses in the discussions which had taken place. It was far better that the Bill should be thrown out altogether than that the Legislature should pass a Bill which could not possibly work.

Amendment *agreed to.*

Amendment, making any Director who should declare a dividend, knowing the Company to be in a state of insolvency, liable for the whole debts of the Company to the extent of the dividend.

MR. BRAMLEY-MOORE said, that if any person was foolish enough to become a Director of a Company with limited liability, subject to such a condition, he would well deserve all that might befall him in the loss of his money. In fact, he did not believe that any person would be found sufficiently foolish to become a Director of such a Company.

MR. WILKINSON said, he did not consider that the Amendment would really do any harm; it merely declared in effect that the Directors should not declare a dividend when they knew the Company to be insolvent.

MR. MALINS said, he would admit that the words "knowing" the Company to be insolvent removed much of the harm which would otherwise attend the Amendment; but even as it stood its effect would be to prevent many timid men from becoming connected with Companies of that nature, their proceedings would be hampered, and no possible good could result from the clause.

Amendment *agreed to.*

Amendment, Providing that any Company formed under the Act should be compelled to wind up its affairs after it had lost three parts of its capital.

MR. BRAMLEY-MOORE said, he thought, that as they advanced in the Bill the Amendments introduced became worse. Nothing could be more absurd than such an Amendment, and he would suggest that the House ought not to agree to it.

MR. MALINS said, he deprecated the exceedingly narrow spirit upon which the Bill appeared to have been discussed in the other House. Their Lordships appeared to have thought that all persons engaged in commercial transactions were either knaves or idiots—knaves who were anxious only to see how far they could impose upon the public, knaves who were unable to understand the nature of any contract into which they might enter. Why should a Company of twenty-five persons be compelled to wind up its affairs after it had lost three parts of its capital, when the same restrictions were not imposed upon private individuals. Many of the most flourishing concerns in the country had at one time or other lost even more than three-fourths of their capital, but when the depression which had led to that loss had ceased, the Companies returned to their wonted prosperity. In the case of undertakings connected with the coal and iron trade that was particularly the case, very large portions of the capital were frequently lost, but the Proprietor never thought of giving up while there was a prospect of ultimate success.

Mr. J. FORSTER said, that every one of those clauses which had met with so many objections from both sides of the House, were precisely those to which he and several other hon. Members who had been charged with a desire to obstruct the Bill, had so strongly objected when it was first brought forward in that House.

Viscount PALMERSTON said, that if the Bill were not passed during the present Session, they would have next year to go over the whole ground again, whereas, by passing the measure now, its principle would be definitively adopted; and all that would have to be done hereafter would be merely to pass such Amendments as were found to be necessary to give effect to the proper working out of the principles which had been adopted, if such should be required.

Amendment *agreed to;* as were the remaining Amendments.

The House adjourned at Four o'clock, till *Tuesday* next.

HOUSE OF LORDS,

Monday, August 13, 1855.

Minutes.] Public Bills.—3^a Consolidated Fund (Appropriation); Exchequer Bills (£7,000,000); Militia Pay.

JUDICIAL PROCEEDINGS OF THE HOUSE.

Lord ST. LEONARDS in moving for a return of appeals heard and disposed of by their Lordships during each of the last Five Sessions, begged to call their Lordships' attention to certain observations reported to have been made by the Solicitor General on Friday night in the other House of Parliament. That hon. and learned Gentleman was reported to have said—

> "There was one point of great importance to which he might advert. Several instances had occurred in which the House of Lords, sitting as a court of appeal, had failed to discharge satisfactorily its proper functions. He quite admitted that scarcely anything was amended in the judicial institutions of the country until the recognition of the necessity of that Amendment had been passed on, so to speak, from father to son, and from generation to generation; and so it was with regard to the House of Lords. It was, therefore, doubtful, how long it might be before they got a tribunal in the last resort satisfactory in its constitution. The Members of the present tribunal felt themselves at liberty to attend or not attend as they pleased; with the exception of the Lord Chancellor, all the rest of the Court were mere volunteers; they attended a judicial sitting as they would a debate; they felt themselves at liberty to remain during the whole of the arguments or not; and the result was that this Court, the decisions of which ought to be as unalterable as the laws of the Medes and the Persians, was felt to be unsatisfactory in its constitution, and inferior to the lowest tribunal in what ought to be the accompaniments of a court of justice."

Now, with respect to the constitution of the judicial portion of that House, sitting as a court of appeal, he (Lord St. Leonards) had himself taken the liberty of discussing the matter in print, and, therefore, nothing could be more unbecoming than for him to object to any other person discussing the question of the judicial jurisdiction of the House. But that that jurisdiction was essential to its very existence there could not be the slightest doubt, and any attempt to lower or degrade it in the eyes of the people could not but be considered as most mischievous. Neither could any moment chosen for making such a charge be more inconvenient than the present, when Parliament was about to be prorogued, and when, therefore, no opportunity could be given of setting the public mind at rest upon the subject, either by rectifying what might be wrong, or by disabusing them of any misapprehensions they might be led to entertain for many months to come, during the whole of which time appellants who had been unsuccessful in their appeals to that House might conceive either that injustice had been done them, or that justice had been administered in a manner that would be disgraceful to the lowest court. If the intention of the hon. and learned Gentleman had been to object to the constitution of the Court as a court of appeal, or to suggest any means by which it could be improved, nobody could have complained; but, after considering the observations reported to have been made by the hon. and learned Gentleman in every light, he was forced to the conclusion that he had represented the administration of justice by the House—that was, by the noble Lord on the woolsack, assisted by the law Lords—as unsatisfactory; that noble and learned Lords entered or left the House during a legal argument as noble Lords might during a debate; and insinuated that which, if it were true, would be most disgraceful—namely, that they decided upon a man's rights without having heard the arguments which it was their duty to hear. Any person who would do that would be guilty of one of the grossest derelictions of duty. Certainly it had happened that his noble and learned Friend on the woolsack and himself had had the misfortune to disagree upon some occasions; but from the diversity of the human mind such a thing as disagreement must naturally occur. It had happened in the Court of Queen's Bench, it had happened in the Court of Common Pleas, and must always happen when the Judges were equal in number. Let them see where was the evil arising from it. There was the judgment of a Court of competent jurisdiction in the Court below, and there were two Judges in the Court of Appeal whose opinions were equal in point of authority to each other. One of them was of opinion that the judgment of the Court below should hold; and consequently there were then two Judges—the Judge in the Court below and one of the Judges in the Court of Appeal—against the Judge in the Court of Appeal who was opposed to the judgment of the Court below. It would appear from that, that the case had been decided properly in the Court below, and that one of the Judges of Appeal was of opinion that it had been rightly decided. No doubt it was extremely difficult to satisfy the public, and especially disappointed suitors, but would that difficulty be lessened by the constitution of any other tribunal? Their Lordships had a right to call upon the Judges of the land to assist the House in forming an opinion upon abstract points of law; and what happened?—that each of those Judges acting conscientiously, and not simply adopting any opinion that might be formed by one of them—deliberately and fairly formed his own opinion. It happened, as must occur in many cases, that there was a great difference of opinion amongst them; and the same inconvenience would arise as to the satisfaction of the suitor, if these learned persons had to decide the case. Do what they would they could not get a tribunal that was totally free from objection. The law lord sitting in that House was bound to sit and hear the cases that came before him under the same sense of obligation as if he had sworn to do justice between the parties; therefore he was bound to listen to the arguments and address his mind to them, and show the bar, the public, and the disappointed suitor that the case had been decided there on points of fact and of law. As for himself, if the drift of the observations were intended for him, he could declare that he had honestly and conscientiously performed his duty during the whole time he had the honour of sitting in that House. He had never neglected a single case, or departed from the argument; if public business called him away for a time, he took care to have an accurate note taken of what took place in his absence: and he thought he might say that he had always shown by the observations he had made in his judgments, that he was perfectly master of the facts: and that, whether rightly or wrongly, he had endeavoured to fashion the law as far as he could, to execute justice, and to show parties that every pains had been taken to arrive at what might not be a proper, but what he certainly thought was a true decision. If these observations were not intended for him, he was at a loss to know to whom the complaint could apply, for he was certain it could not be intended to refer to his noble and learned Friend on the woolsack, than whom no one could more satisfactorily discharge his judicial duties; neither could it apply to his noble and learned Friend Lord Brougham, who had during the whole of the Session given the greatest attention to the performance of the legal business of the House. As respected himself, he denied that he had ever felt at liberty to go away and return at pleasure during the arguments of counsel, and afterwards to give a judicial decision upon the case.

Lord CAMPBELL had witnessed, he must say with indignation, the attack that had been made on their Lordship's judicial jurisdiction by Her Majesty's Solicitor General. It was a most violent attack, having a direct tendency to bring their jurisdiction into disrepute, and it was astonishing that it should come from an officer of Her Majesty's Government. It was an attack upon the constituted authorities of the country, and upon a public functionary—for he (Lord Campbell) must say that it appeared to him to be an attack on his noble and learned Friend on the woolsack, who presided over their Lordships' proceedings when sitting as a Court of Appeal. It seemed to him, if the report were a just representation of what fell from the Solicitor General, that he thought that justice would never be satisfactorily administered in their Lordships' House until he (the Solicitor General) was presiding on the woolsack. Their judicial jurisdiction was of essential importance to their Lordships to enable them to preserve their importance and their usefulness, and any attack which called upon the country to consider their Lordships' judicial jurisdiction as unsatisfactory and mischievous must be an attack on the constitution of the country itself. The attack was totally unfounded. He had great experience in the usages of the House. For many years when at the Bar he was in almost every case that came from Scotland, and in many English cases; and, whether the decision was in his favour or against him, he was satisfied that the parties had had a fair hearing—that everything had been conducted as it ought to be—and that the losing party had no reason to be dissatisfied. Since he had had the honour of a seat in that House he had attended for nine years, at the hearing of every case that had been heard at their Lordships' bar, during a period which he supposed was included in the attack on the judicial functions of their Lordships. During four years of that period he held office under the Government, and was a member of the Cabinet; but still he continued to attend, from the time the House sat until it was adjourned, on the hearing of every case, and he had attended as assiduously and continuously, and as much under a sense of duty, as he now attended as Lord Chief Justice in Her Majesty's Court of Queen's Bench, to the cases that came before that tribunal. There were then, four law Lords—Lords Lyndhurst, Brougham, Cottenham, and himself—and they devoted themselves to the business. Sometimes Lord Lyndhurst was not able to attend, and then his noble and learned Friend Lord Brougham, Lord Cottenham, and he (Lord Campbell) alternately presided; but during the whole of that time he believed the decisions of the House were satisfactory; and he had no reason to suppose there was not now equal certainty of their being satisfactory, for he was sure that each law Lord felt as he (Lord Campbell) did, that he was under a solemn obligation to attend to the whole of the arguments and form a deliberate opinion upon the rights of the parties. He (Lord Campbell) deeply lamented that such an attack had been made; it seemed to him to be most inconsiderate and unfounded. The language used was to the effect that the decisions of their Lordships were discreditable, and that they were not as much to be respected as those of the most inferior Court—the Court of *Pie Poudre*. If that be so, the public should with one voice rise up against them, and not submit to a jurisdiction so little entitled to public respect. But the public would not be so misled, and would look to what had been done under Lord Eldon, Lord Cottenham, Lord Lyndhurst, and his noble Friend below him (Lord St. Leonards). The present Lord Chancellor was equally entitled to the respect of the public, who would see that those noble and learned Lords, assisted by the other law Lords, had done their duty in a satisfactory manner. He (Lord Campbell) thought that his noble and learned Friend (Lord St. Leonards) was under a mistake, in saying that there was no difference between that House and the superior Courts, when the Judges were equally divided in opinion. In the superior Courts of Westminster Hall, if the Court were equally divided, no judgment could be given, and it was usual to obviate that difficulty by the junior Judge withdrawing. Then there was a majority on one side, and a writ of error or appeal was brought, and the case was ultimately decided. In a Court of last resort this course could not be adopted, and the House of Lords acted upon the maxim, "semper presumitur contra negantem." It was said that, during the present session, only two law Lords were present at a hearing, and as they differed in opinion, the judgment below had been affirmed. A more satisfactory mode of proceeding might have been pursued, and he (Lord Campbell) would say in such an event, let the case be argued before all the Law Lords that could be summoned, and in that way a more satisfactory decision would be arrived at.

The LORD CHANCELLOR said, he agreed with the noble and learned Lord who had addressed the House as to the extreme importance of maintaining the judicial functions and jurisdiction of the House; and he believed that the same feeling would be entertained by all who had had the honour of filling the place he now occupied. He was also of the opinion expressed by his noble and learned Friend that the judicial business of the House had been very satisfactorily performed, and that it was well conducted. No doubt, in theory grave objections might be entertained to the constitution of any tribunal; but supposing that the representation were true, and the words attributed to the Solicitor General were actually uttered by him, he hardly considered them an attack upon himself so much as upon the judicial system of the House, and the mode in which justice had been administered. At the same time he should be wanting in his duty if, not conceiving it to be a personal attack, he shrank from expressing his entire concurrence in the opinion that, as an attack upon the administration of justice by the House it was entirely unfounded. The attack naturally divided itself into two heads; first, it was an attack upon the nature of the tribunal, which was a fair subject of canvass; and, secondly, upon the mode in which that tribunal, whether well or ill constituted, had performed its functions. With regard to the latter charge, what he collected from the passage quoted from the Solicitor General's speech, as reported, was that the proceedings in their Lordships' House were conducted by persons performing the functions of Judges who sometimes heard the whole, and sometimes only part of the arguments; that at all events they did not think it any part of their duty to hear the whole before they decided upon the case before them; and he summed up by saying that such a Court of Appeal was unsatisfactory in its constitution, and inferior to the lowest tribunal in what ought to be the accompaniments of a Court of Justice. Now, he would undertake to say that there was not the slightest foundation for such a statement, and he would appeal to those who were not law Lords to say whether there was the slightest ground for the assertion. Very often an argument lasted three or four days, and though a noble and learned Lord might be absent a few minutes occasionally, as happened in the Court of Queen's Bench, or in any other Court, and must necessarily happen, yet anything of importance would, from the nature of a legal argument, be dwelt upon and repeated over and over again, there being generally two counsel on each side—and, if not repeated, which was most improbable, some colleague would be sure to inform a noble and learned Lord who might have been absent a short time of the point which had been taken. It was quite contrary to the fact that the noble and learned Lords were ready to give their decision without hearing the arguments. The case was really the other way, for Lord Brougham had been a little over-sensitive in refusing to take part in a decision because he did not hear every word of the argument. It would be the more inexcusable to express any decided opinion upon a case affecting the rights of individuals in that House without giving the fullest attention to all which could be advanced in the shape of argument, because any error they might fall into there could not be rectified by another Court. He could not believe that any one who had the smallest acquaintance with the House of Lords, sitting in its capacity of a legal tribunal, could charge any noble and learned Lord with political bias in giving his decision. With respect to the constitution of the House, he conceived that the keeping of the ultimate appeal from all the courts to their Lordships' House was of most essential importance. It was of the highest importance to have a tribunal as a Court of final appeal, and he was of opinion that the House of Lords was the best calculated, from its weight and authority, and from the fact that there must always exist in it certain persons who have raised themselves to eminence in connection with the law, to constitute that tribunal. As to politics or political differences entering into legal matters in that House, there was not even a suspicion of such a thing. With respect to the inconvenience that had arisen two or three times during the Session, in consequence of there being only two persons present to hear an appeal who were unable to agree, he could only observe, that on those occasions he had acted to the very best of his judgment; and it would be the greatest possible relief to him if, in case of such a contingency, any kind of umpire could be called in; but their lordships knew that, in the absence of such an umpire, the judgment of the Court below was left untouched. It would be obvious, also, that to create such an umpire would be a very bad solution of the question, because in reality, it would be vesting the power of that House as an ultimate Court of Appeal in the hands of a single person. Perhaps a better solution would be to determine that the case should be re-argued; but he thought the present mode of dealing with it was not such a mode as justified any one in terming their Lordships' House, as a court of justice, unsatisfactory, and inferior to the lowest tribunal. The principle at present acted upon was, that where their Lordships were equally divided no decision could be come to, and no reversal could, therefore, take place. That was a result which might constantly occur in any tribunal where the number of Judges was equal. He must say he deeply regretted that the language imputed to the Solicitor General should have been used, if in fact it was used, but he understood the expressions not as if they were used in the course of an argument at their Lordships' bar, but as being uttered in the heat of debate, and when there was nothing of a judicial nature going on. He had often heard his hon. and learned Friend express his opinion that the House of Lords was inadequate as a Court of final appeal, and he might have used language stronger than was necessary; but of this there could be no question, that neither their Lordships' conduct, such as it had hitherto been or would in future be, would justify such observations as are said to have been uttered.

Motion *agreed to.* Returns ordered.

UNIVERSITY OF OXFORD—PETITION.

LORD MONTEAGLE *presented* a petition from Sir Culling Eardly, that persons may have the benefit of the University without being forced to state that they are not members of the Established Church. The petitioner states he had been a member of Oriel College, Oxford; that although he was a member of the Church of England, he entertained conscientious scruples with regard to the Thirty-nine Articles, and refused to sign them. He was, in consequence, not allowed to proceed to his degree, and his name struck off the college books. After the passing of the Oxford University Bill of last year, he applied to the Provost of Oriel to have his name replaced on the books and to be allowed to proceed to his degree. He was informed, in reply, that there were certain old statutes relating to heresy and schism which would prevent him; but that the statutes were in course of revision, and that the new statutes might not throw any obstacle in his way. After the new statutes were prepared, he was informed that he would be allowed to proceed to his degree, provided he declared himself to be *extra ecclesiam Anglicanam;* but that he could not be admitted as one *intra ecclesiam Anglicanam* unless he signed the Thirty-nine Articles. He declined to make any such declaration, as he did not consider himself a dissenter from the Church of England; and he now petitioned the House not to allow the college authorities at Oxford to impose a new test, in contravention of the Act of last Session. He would beg to call the attention of the noble Earl the head of the Oxford Commission (the Earl of Harrowby) to these circumstances.

THE LORD CHANCELLOR felt some difficulty in speaking upon the subject, upon account of his personal knowledge of the parties, but justice required him to state that from his intimate knowledge of the petitioner, it would be the greatest hardship in the world to require that gentleman to describe himself as *extra ecclesiam Anglicanam.* Certainly, if not signing the Thirty-nine Articles placed a person *extra ecclesiam Anglicanam,* then Sir C. Eardley was in that position; but their Lordships had had it from the highest authority—from the episcopal bench during the present Session—that such signature was not requisite. If to attend the service of the Church of England oftener than any other—to communicate according to the rites of that Church constituted a person *intra ecclesiam Anglicanam,* then he (the Lord Chancellor) could say, from his personal knowledge, that the petitioner was *intra* and not *extra ecclesiam.* The Act of last year would be a dead letter if all those who entertained conscientious doubts as to the propriety of some of the doctrines to be deduced from the Articles were to be excluded from the University. He had heard with much pain of the obstacles which had been thrown in the way of the petitioner, and thought it was like compelling a man to wear a cockade in his hat when the object of the law was to abolish the use of cockades altogether.

THE EARL OF HARROWBY was rather embarrassed in speaking upon a subject which might come before him judicially as a member of the Oxford University Commission, but had no hesitation in saying, that on the first blush of the case, the required declaration was, at any rate, against the policy of the law. Whether it was against the letter of the law he would not then say. He feared, however, that the authorities at Oxford were inclined to take narrow rather than broad views of the law, and to wish to bind those who desired to adhere to the Church by their documents, while those who dissented were left to do as they pleased; that was against the policy of the law. There was a very large and important body of persons in this country who felt doubts upon some of the points set forth in the Thirty-nine Articles, but who had great scruples to calling themselves dissenters from the Church when they were not so, and whom it would be most injurious to the interests of the Church to compel to declare themselves to be dissenters.

LORD CAMPBELL had no difficulty in saying the refusal of the Provost of Oriel was contrary to the letter, to the spirit, and to the policy of the Act of Parliament. He had no right to say the applicant was without the Anglican Church because at one period of his life he had expressed doubts as to some of the Thirty-nine Articles. Their Lordships were aware that one of the Articles declared that judicial oaths might be taken and were consistent with Scripture. Some members of the Church of England applied to be relieved from taking them, and on that occasion, that most distinguished prelate, the Bishop of London, said a man might be *bonâ fide* and truly a member of the Church of England, and yet dissent from some of the Thirty-nine Articles. In his opinion, the Provost was in every way mistaken.

Petition to lie on the table.

House adjourned till to-morrow.

HOUSE OF LORDS,

Tuesday, August 14, 1855.

MINUTES.] ROYAL ASSENT.—Consolidated Fund (Appropriation); Exchequer Bills (£7,000,000); Customs Tariff Acts Amendment and Consolidation; Customs Laws Consolidation; Excise Duties; Turkish Loan; Office of Speaker; Trinity College (Dublin); Dwelling Houses (Scotland); Religious Worship; Slave Trade (Sherbro); Youthful Offenders (No. 2); Crown Suits; Merchant Shipping Act Amendment; Turnpike Acts Continuance (Ireland); Militia Officers' Qualifications; Fisheries (British Islands and France); Turnpike Acts Continuance (No. 2); Sale of Spirits (Ireland); Turnpike Trusts Arrangements; Lunatic Asylums and Regulations Acts Amendment; Militia Ballots Suspension; Island of Tobago Loan; Coal Mines Inspection; Court of Judicature (Prince of Wales Island); Bills of Lading (No. 2); Crime and Outrage (Ireland); Lunatic Asylums (Ireland) Advances; Navigation Works (Ireland); Ordnance Board; Sale of Beer, &c.; Passenger Act Amendment; Metropolis Local Management; Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment; Chinese Passenger Ships; Metropolitan Buildings; Despatch of Business, Court of Chancery; Charitable Trusts; Criminal Justice; Public Houses (Ireland); Public Health Act (1854) Continuance and Amendment; Diseases Prevention; Militia Pay; School Grants Security for Application; Public Health (No. 2); Dwellings for Labouring Classes; Burials; Limited Liability; Union of Contiguous Benefices.

PROROGATION OF THE PARLIAMENT—SPEECH OF THE LORDS COMMISSIONERS.

The PARLIAMENT was this day prorogued by Commission.

THE LORDS COMMISSIONERS, namely, the Lord Chancellor (Lord CRANWORTH), the Lord President of the Council (Earl GRANVILLE), the Lord Privy Seal (the Duke of ARGYLL), Lord STANLEY of ALDERLEY (President of the Board of Trade), and the Earl of HARROWBY (Chancellor of the Duchy of Lancaster), being seated at the foot of the Throne, and the COMMONS preceded by their Speaker being present, the ROYAL ASSENT was given to several Bills.

THE LORD CHANCELLOR, on behalf of the LORDS COMMISSIONERS, then *delivered* the following Speech:—

My Lords, and Gentlemen,

"We are commanded by Her Majesty to release you from further Attendance in Parliament, and at the same Time to express the warm Acknowledgments of Her Majesty for the Zeal and Assiduity with which you have applied yourselves to the Discharge of your Public Duties during a long and laborious Session.

"HER MAJESTY has seen with great Satisfaction, that while you have occupied yourselves in providing Means for the vigorous Prosecution of the War, you have given your Attention to many

Measures of great Public Utility. Her Majesty is convinced that you will share Her Satisfaction at finding that the Progress of Events has tended to cement more firmly that Union which has so happily been established between Her Government and that of Her Ally The Emperor of the *French;* and Her Majesty trusts that an Alliance founded on a Sense of the general Interests of *Europe,* and consolidated by good Faith, will long survive the Events which have given rise to it, and will contribute to the permanent Well-being and Prosperity of the Two great Nations whom it has linked in the Bonds of honourable Friendship.

"THE Accession of The King of *Sardinia* to the Treaty between Her Majesty, The Emperor of the *French,* and The Sultan, has given additional Importance and Strength to that Alliance, and the efficient Force which his *Sardinian* Majesty has sent to the Seat of War to co-operate with the Allied Armies will not fail to maintain the high Reputation by which the Army of *Sardinia* has ever been distinguished.

"HER MAJESTY has commanded us to thank you for having enabled Her to avail Herself as far as has been found to be required of those patriotic Offers of extended Service which She has received from the Militia of the United Kingdom, and for the Means of reinforcing Her brave Army in the *Crimea* by an Enlistment of Volunteers from abroad.

"HER MAJESTY acknowledges with Satisfaction the Measure which you have adopted for giving Effect to the Convention by which, in conjunction with Her Ally The Emperor of the *French,* She has made Arrangements for assisting The Sultan to provide the Means which are necessary to enable Him to maintain in Efficiency the *Turkish* Army, which has so gallantly withstood the Assaults of its Enemies.

"HER MAJESTY, in giving Her Assent to the Bill which you presented to Her for the Local Management of the Metropolis, trusts that the Arrangements provided by that Measure will lead to many Improvements conducive to the Convenience and Health of this great City. The Abolition of the Duty on Newspapers will tend to diffuse useful Information among the poorer Classes of Her Majesty's Subjects. The Principle of Limited Liability which you have judiciously applied to Joint Stock Associations will afford additional Facilities for the Employment of Capital, and the Improvements which you have made in the Laws which regulate Friendly Societies will encourage Habits of Industry and Thrift among the Labouring Classes of the Community.

"HER MAJESTY trusts that the Measures to which She has given Her Assent for improving the Constitutions of *New South Wales, Victoria,* and *Tasmania,* and for bestowing on the important and flourishing Colonies of *Australia* extended Powers of Self-Government, will assist the Development of their great natural Resources, and will promote the Contentment and Happiness of their Inhabitants.

"HER MAJESTY commands us to say that She has been deeply gratified by the Zeal for the Success of Her Majesty's Arms, and by the Sympathy for Her Soldiers and Sailors, manifested throughout Her *Indian* and Colonial Empire; and Her Majesty acknowledges with great Satisfaction the generous Contributions which Her Subjects in *India,* and the Legislatures and Inhabitants of the Colonies, have sent for the Relief of the Sufferers by the Casualties of War.

Gentlemen of the House of Commons,

"Her Majesty commands us to convey to you Her cordial Thanks for the Readiness and Zeal with which you have provided the necessary Supplies for carrying on the War in which Her Majesty is engaged.

"Her Majesty laments the Burthens and Sacrifices which it has become necessary to impose upon Her faithful People, but She acknowledges the Wisdom with which you have alleviated the Weight of those Burthens by the mixed Arrangements which you have made for providing those Supplies.

My Lords, and Gentlemen,

"Her Majesty has commanded us to say, that She has seen with sincere Regret that the Endeavours which, in conjunction with Her Ally The Emperor of the *French,* She made at the recent Conferences at *Vienna* to bring the War to a Conclusion on Conditions consistent with the Honour of the Allies and with the future Security of *Europe,* have proved ineffectual. But, those Endeavours having failed, no other Course is left to Her Majesty but to prosecute the War with all possible Vigour; and Her Majesty, relying upon the Support of Her Parliament, upon the manly Spirit and Patriotism of Her People, upon the never-failing Courage of Her Army and Her Navy, whose Patience under Suffering and whose Power of Endurance Her Majesty has witnessed with Admiration, upon the stedfast Fidelity of Her Allies, and above all upon the Justice of Her Cause, humbly puts Her Trust in the Almighty Disposer of Events for such an Issue of the great Contest in which She is engaged as may secure to *Europe* the Blessings of a firm and lasting Peace.

"On your Return to your several Counties you will have Duties to perform little less important than those which belong to your Attendance in Parliament. Her Majesty trusts that your powerful Influence will be exerted for the Welfare and Happiness of Her People, the Promotion of which is the Object of Her Majesty's constant Care and the anxious Desire of Her Heart."

Then a Commission for proroguing the Parliament was read.

After which

The LORD CHANCELLOR said;

"My Lords, and Gentlemen,

"By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to *Tuesday* the Twenty-third Day of *October* next, to be then here holden; and this Parliament is accordingly prorogued to *Tuesday* the Twenty-third Day of *October* next."

HOUSE OF COMMONS,

Tuesday, August 14, 1855.

CONDUCT OF THE WAR.

Sir DE LACY EVANS: Sir, I wish to avail myself of this opportunity to offer a few observations upon a subject which I feel assured must be deeply interesting both to the House and to the country. My object is to elicit from the noble Lord the First Minister of the Crown a declaration, which I am convinced he will be most desirous of making, and which will, I think, prove satisfactory to the nation, of the determination of the Government to prosecute the war with vigour during the lengthened Parliamentary recess which is likely to ensue. No doubt there are some hon. Gentlemen behind the Treasury bench who imagine that the suggestion which I make is superfluous, because the noble Lord has frequently, and as I believe with great sincerity, declared that it was his intention to prosecute the war with vigour. It cannot, however, be forgotten that other Ministers, including the immediate predecessors of the present Government, have frequently spoken of prosecuting the war in such a spirit; notwithstanding which considerable blame was attributed to them for their shortcomings. Sir, I am old enough to recollect the last war; and in contrasting the exertions of the Government of that day in their endeavours to bring to a triumphant issue that great struggle with those of the present Administration, I find considerable difference in the mode in which our troops were employed. In the war which terminated forty years ago there were upon the Eastern coast of Spain 80,000 British troops, besides 40,000 Portuguese, commanded by British officers, and subsidized, paid, and clad from British resources. In addition to maintaining these 120,000 men, we afforded assistance to the Spanish Government, enabling it to keep up an army of 150,000 men, and had, moreover, in the last two years to carry on warlike operations on the Canadian frontier, and to maintain troops in the Mediterranean. If we compare the numbers of the forces then employed with those now engaged in the Crimea, it will be seen that there is a considerable falling off in energy in the conduct of the war. It is not necessary for me to state the actual numbers now before Sebastopol, but I am sorry to say that they form but a small force compared with those which I have enumerated. At that period the population of these kingdoms was not above half what it is at present; the financial resources were not, probably, one-fourth or one-sixth of what they are now; neither was the patriotic feeling at that period one whit more enthusiastic than it is at the present time, I therefore say that it is the bounden duty of the Government to carry out and to realize the expectations of the people in the prosecution of the war, more especially as the circumstances connected with that war are extremely fortunate, and are not, I think, sufficiently appreciated. There is but one point, and that is 3,000 miles from our own soil, about which there is any occasion to feel solicitous. The seas are entirely in the hands of the allies; we have invaded the enemy's territory, and we have but that portion which is invaded to which we need particularly direct our attention. I am quite sure that the Government have been very desirous to reinforce the army in the East, and that they will feel that there is a very inadequate force there at present. At the same time, it appears to me that sufficiently comprehensive measures for effecting that object have not been adopted. In the matter of enlistment, for example, no doubt great exertions have been made, but I think that more energetic measures may be taken, by augmenting the bounty and affording other facilities, to obtain a larger supply of army recruits than we have had hitherto. It has been objected that a great proportion of the troops we are now obtaining are of rather a youthful character. I do not see, however, why arrangements should not be made by which although the enlistment of those recruits may continue, they may be instructed in their duties before being sent to fight our battles in the Crimea. This brings to my mind the circumstances of the Indian army. My right hon. Friend the President of the Board of Control informed us the other night that there were about 320,000 soldiers now in India, of whom 40,000 were Europeans. He indicated a disposition also to make that very large army available for the purposes of the present war. Hitherto, however, we have done nothing in that direction beyond withdrawing two regiments of cavalry or about 1,200 sabres from India. One hardly knows what assistance we ought to expect from India; but I am of opinion that out of the 40,000 British and Company's European troops 10,000 might, with the greatest possible advantage, be for the present rendered available for this contest. My right hon. Friend also indicated that the irregular Indian cavalry would be extremely useful at the Cape; and, for myself I believe, that 1,000 irregular cavalry there would be far more useful than double the number of British infantry. There are no fewer than seven seasoned English battalions at the Cape, who are stationed there for the purpose of restraining the miserable Kafirs from plundering the flocks of the surrounding farmers. I am convinced that the whole of those seven battalions could, with great advantage to the public, be withdrawn and replaced by an adequate number of native troops from the East Indies. I don't see any objection to garrisoning our Colonies with British troops in time of peace, because it gives us the opportunity of rendering them more available in time of war; but to keep such troops—the most expensive in the world—in our colonies while a great war like the present is raging is a most unnecessary waste of your military strength. The whole of these seven battalions ought to be replaced by native troops from India. There are two battalions more at the Mauritius, and other British troops also at Ceylon, for which native regiments might surely be substituted. In Hongkong, likewise, you have a European force. In fact, you have available in your Eastern colonies as many as ten battalions of seasoned soldiers. Again, the patriotism and the resources of your Australian colonies would enable you to make arrangements for withdrawing your battalions from that quarter. If measures of this kind were taken, you could have at least 10,000 European troops out of the 40,000 in India removed to the Bosphorus; and in three months you might have more than 20,000 men ready for service in the Crimea or elsewhere. You have also a battalion of the line still at Gibraltar, one at Corfu, and a third at the Piræus. I am sure that the same high spirit which induced the militia force to volunteer would enable you to replace these three battalions, and to send them also to the Bosphorus. Many militia regiments are already serving on the Mediterranean stations much to their honour. Of course, if European troops were to be transferred from India and the Eastern colonies to the seat of war, an increase in the native army would be requisite; but we all know the facilities that exist for augmenting our native forces in India. No bounty whatever has to be given; the men are eager to enter our service, considering it to offer them a provision for life, and, therefore there would be no difficulty in rapidly supplying any deficiency that might take place by the withdrawal of the European troops. These are measures which at least deserve consideration, and I have no doubt they could be carried out without creating the slightest political danger. I dare say the governors and officers in command in our colonies would object to these alterations, for I hardly ever heard of their approving the removal or the reduction of their forces; but a very praiseworthy exception to this occurred in the case of Sir William Reid, the Governor of Malta, and Sir James Ferguson, the commandant of the garrison there, who, last winter, when our army in the Crimea urgently required reinforcements, sent away to the East every regiment stationed there, and relied upon the inhabitants of the island for its defence in case of necessity. This was a most spirited and commendable proceeding; it had the best possible effect on the loyalty of the people of Malta; and I only wish that other colonial governors may take a lesson from this excellent example. With regard to bounty—an important matter—we gave from 18*l.* to 25*l.* during the last war. Now we give only 10*l.* Whatever may be the effect of the amount of the bounty upon desertion, certainly greater exertions are demanded for reinforcing our army, and for turning to account seasoned troops wherever we can obtain them. I am very glad to learn that 3,000 of the foreign legion are now in an effective state of discipline, which is very creditable to their officers; and I hope they will soon be sent to the seat of war. It must be remembered that we had 52,000 foreign troops in our pay at the end of the last war. I am gratified to hear such good accounts of the Turkish Contingent, and that it is 10,000 or 12,000 strong. [Colonel DUNNE dissented.] The hon. and gallant Gentleman shakes his head; but certainly the reports are satisfactory as to the number. I regret, however, that the Contingent has not been armed with the Minie rifle; and I hear that within the last few days only a small portion of the Foreign Legion has been furnished with that weapon. The Turkish Contingent should be provided with the Minie as speedily as possible; and the greatest exertions should be made in Birmingham and elsewhere to expedite the manufacture of a larger supply of that article, in the arrangements for obtaining which, I think, there has been much misplaced economy. It would be a prudent measure for us to supply the whole Turkish army with this improved weapon. The Turkish Contingent is under a very competent commander. The great efficiency of our Portuguese comrades in the last war was ascribed by the late Duke of Wellington to the care taken that they should be well fed, well clothed, and well provided for. I hope the noble Lord at the head of the Government will remember that those corps which do not belong to our regular army, and which do not have the same *morale,* require even greater attention than our own troops; and I trust that huts will be equally provided for both. [An hon. Member here directed the hon. and gallant General's attention to the clock.] I am warned that my time is nearly exhausted, but I wish to say a word respecting the Irish Constabulary force. It is, without exception, one of the finest corps in Europe; and I think the Government might easily form an Irish Brigade from it. Not that you should concede to the officers the privileges of the Guards; but there is nothing to prevent the organisation of 5,000 of this admirable corps, which would make a splendid division for the Crimea if certain advantages were held out to it, and if facilities for afterwards returning to its former service were also offered. I believe, also, that a handsome force might be obtained from Canada, if due encouragement were given; and, on political and other grounds, it is desirable to enlist the sympathy and the patriotism of our colonists on our side. I see that an Italian Legion is about to be formed; and something is likewise said as to enlisting for German and Polish Legions. I, for one, cannot understand the extreme delicacy felt as to raising a Polish Legion. All Poland does not belong to Austria. You might have a Polish Legion from Russia, and thus you would give to those Poles who are anxious to raise the standard of their country the nucleus of a force that would materially assist you. If you wish to show great deference for Austria, let there be a special provision that no subjects of the Galician provinces shall be enrolled, but that you will only enlist Russian Poles. Surely there cannot be the slightest objection to an organisation of that character. We have recently listened to gloomy speeches respecting the prospects of the war from gentlemen who were lately Members of the Government, and also from the noble Lord (Lord J. Russell) who distinguished, or rather extinguished, himself at Vienna; and we ought, therefore, to take an opportunity of showing to Europe how extremely small is the minority who concur in such views. My own opinion is, that if we were not to prosecute this war when we have the incalculable advantage of the co-operation of our most faithful, gallant, and powerful ally, the Emperor of the French, the next generation would have to wage this contest under less favourable circumstances, at a cost of perhaps 500,000,000*l.* or 600,000,000*l.* sterling, and with prospects of success far inferior to any we now enjoy.

VISCOUNT PALMERSTON: Sir, nobody is more entitled than my hon. and gallant Friend to express his opinions on the conduct of the war, and on the manner in which it can be successfully carried on. His high military reputation, his distinguished services, and the wide scope to which his thoughts on such matters extend, all lend the greatest weight to anything that falls from him, and render the suggestions he has just made deserving of the deepest consideration. Some of those suggestions, however, have already been the subject of investigation by Her Majesty's Government. My hon. and gallant Friend began by expressing his hope that a declaration of their determination to prosecute the war with vigour will come from Her Majesty's Government. Sir, I and my colleagues have already stated our intentions upon that point; and I think when my hon. and gallant Friend shall have heard the words that will soon proceed from the Commissioners appointed to convey Her Majesty's sentiments to her Parliament at the close of this Session, he will find that the views entertained in that high quarter are entirely in accordance with those which we have expressed. It is quite true, as he says, that if you compare the amount of our army now in the field with the British army in the field at the latter period of the Peninsular war, you will discover the balance to be greatly against the present extent of our force. But, if hon. Members will go higher, and turn to the first year of the Peninsular war, they will find that the efforts which we are now making are greater than those that the British Government were able to make at the commencement of that war. It must always be a task of great difficulty, starting from peace establishments, to raise suddenly and in a short time that augmentation of our force which the exigencies of actual hostilities may demand; but I believe there is no period in the history of this country in which, within the same space of time, so large an increase in our military force has taken place as is the case at present, or in which an army so efficient has been sent to so distant a quarter, to carry out a difficult and dangerous undertaking. The number of men enlisted is more than double the amount ever before enlisted in any single year. It is true that our population is greater than it was at the period to which I refer; but it is equally true that the recompense and the rewards held out to labour in all the different departments of industry are, perhaps, now more tempting than they ever were before, and that the army has, therefore, to compete in the labour market against inducements which formerly did not exist to quite the same degree. However, I must do the people of this country the justice to say that there never was a time when their patriotism and public spirit were more heartily displayed than they have been, judging by the numbers who have entered the ranks of the army, since the present war began. It is true that many of those who have latterly enlisted are younger than might be desirable, yet it is difficult to adopt the suggestion of my hon. and gallant Friend by not apportioning the youngest regiments for actual service, because, as he well knows, the enlistment being voluntary, those who join choose the corps to which they prefer to be attached. There is great force, no doubt, in what he urges in regard to the Indian army; and it is possible that in some stations portions of the native troops might be available to replace European regiments. I will only add, in conclusion, that I can assure my hon. and gallant Friend that the suggestions which he has made shall receive from Her Majesty's Government that full consideration to which, proceeding from such a quarter, they are so eminently entitled; and I am persuaded that the House has heard with satisfaction the general remarks with which he has favoured it on this occasion.

PROROGATION OF THE PARLIAMENT.

Message to attend the LORDS COMMISSIONERS.

The House went; and the ROYAL ASSENT was given to several Bills; after which, a Speech of the LORDS COMMISSIONERS was delivered to both Houses of Parliament by the LORD CHANCELLOR.

Then a Commission for proroguing the Parliament was read.

After which

THE LORD CHANCELLOR said—

"MY LORDS AND GENTLEMEN,

"BY virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name and in obedience to Her Commands, prorogue this Parliament to *Tuesday* the 23rd day of *October* next, to be then here holden; and this Parliament is accordingly prorogued to *Tuesday* the 23rd day of *October* next.

A TABLE

OF

ALL THE STATUTES

PASSED IN THE THIRD SESSION OF

THE SIXTEENTH PARLIAMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND,

18° & 19° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom, for the vigorous Prosecution of the War.

II. An Act to permit Foreigners to be Enlisted and to serve as Officers and Soldiers in Her Majesty's Forces.

III. An Act to carry into effect a Treaty between Her Majesty and the United States of *America.*

IV. An Act to amend the Act for limiting the Time of Service in the Army.

V. An Act to apply the sum of Three millions three hundred thousand Pounds out of the Consolidated Fund to the Service of the Year ending the 31st day of *March* One thousand eight hundred and fifty-five.

VI. An Act to apply the sum of Twenty Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-five.

VII. An Act to extend to *Ireland* the Provisions of the Eighteenth Section of the Common Law Procedure Act, 1854.

VIII. An Act for raising the sum of Seventeen millions one hundred and eighty-three thousand Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and fifty-five.

IX. An Act to suspend the Decline of the Customs Duties on Tea from and after the Fifth Day of *April* One thousand eight hundred and fifty-five.

X. An Act to enable a Third Principal Secretary and a Third Under Secretary of State to sit in the House of Commons.

XI. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

XII. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

XIII. An Act to explain and amend the Lunacy Regulation Act, 1853.

XIV. An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales.*

XV. An Act for the better Protection of Purchasers against Judgments, Crown Debts, Cases of Lis pendens, and Life Annuities or Rent-charges.

XVI. An Act to authorize the letting Parts of the Royal Forests of *Dean* and *Woolmer,* and certain other Parts of the Hereditary Possessions of the Crown.

XVII. An Act to carry into effect a Convention between Her Majesty and the King of *Sardinia.*

XVIII. An Act for raising the Sum of Sixteen Millions by way of Annuities.

XIX. An Act to remove Doubts as to the Commissions of Officers of Militia in *Ireland* who have omitted to deliver unto the Clerk of the Peace Descriptions of their Qualifications, and to indemnify them against the consequences of such Omission, and to amend the Law relating to the Militia in *Ireland.*

XX. An Act for granting to Her Majesty an increased rate of Duty on Profits arising from Property, Professions, Trades, and Offices.

XXI. An Act for granting certain Duties of Customs on Tea, Coffee, Sugar, and other Articles.

XXII. An Act for granting certain additional Rates and Duties of Excise.

XXIII. An Act to alter in certain respects the Law of Intestate Moveable Succession in *Scotland.*

XXIV. An Act to amend an Act of the Second and Third Years of King *William* the Fourth, for amending the Representation of the People in *Scotland,* in so far as relates to the Procedure in County Elections in that Country.

XXV. An Act to allow Affirmations or Declarations to be made instead of Oaths in certain Cases in *Scotland.*

XXVI. An Act to continue the Act of the Thirteenth and Fourteenth Years of Her present Majesty, for enabling the Judges of the Courts of Common Law at *Westminster* to alter the Forms of Pleading.

XXVII. An Act to amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the Transmission by Post of printed periodical Publications.

XXVIII. An Act to provide that the Property or Income Tax payable in respect of the Income from Ecclesiastical Property in *Ireland* shall be a Deduction in estimating the Value of such Property for the Purpose of Taxation by the Ecclesiastical Commissioners.

XXIX. An Act to make further Provision for the Registration of Births, Deaths, and Marriages in *Scotland*.

XXX. An Act to empower the Commissioners of Sewers to expend on House Drainage a certain Sum out of the Monies borrowed by them on Security of the Rates, and also to give to the said Commissioners certain other Powers for the same Purpose.

XXXI. An Act to confirm the Incorporation of the Borough of *Brighton*.

XXXII. An Act to amend and extend the Jurisdiction of the Stannary Court.

XXXIII. An Act to prevent Doubts as to the Validity of certain Proceedings in the House of Commons.

XXXIV. An Act to provide for the Education of Children in the Receipt of Out-door Relief.

XXXV. An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.

XXXVI. An Act to repeal the Stamp Duties payable on Matriculation and Degrees in the University of *Oxford*.

XXXVII. An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-five.

XXXVIII. An Act to allow Spirit of Wine to be used Duty-free in the Arts and Manufactures of the United Kingdom.

XXXIX. An Act to facilitate Grants of Lands and Tenements for the Purpose of Religious Worship and other Purposes connected therewith.

XL. An Act for further promoting the Establishment of free Public Libraries and Museums in *Ireland*.

XLI. An Act for abolishing the Jurisdiction of the Ecclesiastical Courts of *England* and *Wales* in Suits for Defamation.

XLII. An Act to enable *British* Diplomatic and Consular Agents Abroad to administer Oaths and do Notarial Acts.

XLIII. An Act to enable Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real and Personal Estate on Marriage.

XLIV. An Act to amend an Act of last Session, to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum, in *Dublin*.

XLV. An Act for further assimilating the Practice in the County Palatine of *Lancaster* to that of other Counties with respect to the Trial of Issues from the Superior Courts at *Westminster*.

XLVI. An Act for disafforesting the Forest of *Woolmer*.

XLVII. An Act to continue an Act of the Eighteenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund.

XLVIII. An Act for the better Administration of Justice in the Cinque Ports.

XLIX. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

L. An Act to amend the Provisions of the Court of Exchequer (*Ireland*) Act, 1850.

LI. An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

LII. An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.

LIII. An Act to relieve the *East India* Company from the Obligation to maintain the College at *Haileybury*.

LIV. An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of *New South Wales*, "to confer a Constitution on *New South Wales*, and to grant a Civil List to Her Majesty."

LV. An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of *Victoria*, to establish a Constitution in and for the Colony of *Victoria*.

LVI. An Act to repeal the Acts of Parliament now in force respecting the Disposal of the Waste Lands of the Crown in Her Majesty's *Australian* Colonies, and to make other Provision in lieu thereof.

LVII. An Act further to amend the Laws relating to the Militia in *England*.

LVIII. An Act to better enable the Chancellor and Council of the Duchy of *Lancaster* to sell and purchase Land on behalf of Her Majesty, Her Heirs and Successors, in right of the said Duchy of *Lancaster*.

LIX. An Act to facilitate Inquiries of Commissioners of Endowed Schools in *Ireland*.

LX. An Act for excepting Gold Wedding Rings from the Operation of the Act of the last Session relating to the Standard of Gold and Silver Wares, and from the Exemptions contained in other Acts relating to Gold Wares.

LXI. An Act to authorize the Inclosure of certain Lands in Pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*.

LXII. An Act to amend an Act of the Eighteenth Year of Her Majesty, to amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons and for the Sppression of illicit Distillation in *Ireland*.

LXIII. An Act to consolidate and amend the Law relating to Friendly Societies.

LXIV. An Act to settle Annuities on *Emily Harriet* Lady *Raglan* and *Richard Henry Fitzroy* Lord *Raglan*, and the next surviving Heir Male of his Body, in consideration of the eminent Services of the late Field Marshal Lord *Raglan*.

LXV. An Act to amend the *Dublin* Carriage Acts.

LXVI. An Act to render valid certain Marriages in *Christ Church* in the Chapelry of *Todmorden* and Parish of *Rochdale* in the Counties of *Lancaster* and *York*.

LXVII. An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon.

LXVIII. An Act to amend the Laws concerning the Burial of the Dead in *Scotland*.

LXIX. An Act to discontinue the taking of Toll on the Turnpike Roads leading from the City of *Dublin* and on the Turnpike Road from *Kinnegad* to *Athlone*, and to provide for the Maintenance of such Roads as Public Roads, and for the Discharge of the Debts due thereon, and other Purposes.

LXX. An Act for further promoting the Establishment of Free Public Libraries in Municipal Towns, and for extending it to towns governed under Local Improvement Acts, and to Parishes.

LXXI. An Act to authorize the Commissioners of the Treasury to make arrangements concerning certain Loans advanced by way of Relief to the Islands of *Antigua*, *Nevis*, and *Montserrat*.

LXXII. An Act for legalizing and preserving the restored Standards of Weights and Measures.

LXXIII. An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in *Ireland*.

LXXIV. An Act to enable Grand Juries of Counties in *Ireland* to present for Payment of Expenses in certain Cases.

LXXV. An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*.

LXXVI. An Act to continue an Act of the Fifth and Sixth Years of Her present Majesty for amending the Law relative to private Lunatic Asylums in *Ireland*.

LXXVII. An Act to give Effect to a Convention between Her Majesty and the United States of *America*.

LXXVIII. An Act to reduce certain Duties payable on Stage Carriages, and to amend the Laws relating to Stamp Duties, and to Bonds and Securities to the Inland Revenue.

LXXIX. An Act to amend the Law regarding the Burial of Poor Persons by Guardians and Overseers of the Poor.

LXXX. An Act to ratify conditional Agreements entered into by the Commissioners of Her Majesty's Works and Public Buildings; and to vest in the said Commissioners certain Property situate near the College of *Edinburgh* in the City of *Edinburgh*, together with the General Register House in the said City, and all lands held therewith; and to enable the said Commissioners to acquire certain Property near the Palace of *Holyrood*.

LXXXI. An Act to amend the Law concerning the certifying and registering of Places of Religious Worship in *England*.

LXXXII. An Act to abolish certain Payments charged on the Consolidated Fund in favour of the Provost and Fellows of *Trinity College*, *Dublin* and of certain Professors in the said College; and to repeal the Stamp Duties payable on Matriculations and Degrees in the University of *Dublin*.

LXXXIII. An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*.

LXXXIV. An Act to provide for the Performance of certain Duties of the Speaker during his temporary Absence from the House of Commons.

LXXXV. An Act for carrying into effect the Engagements between Her Majesty and certain Chiefs of the *Sherbro* Country near *Sierra Leone* in *Africa*, for the more effectual Suppression of the Slave Trade.

LXXXVI. An Act for securing the Liberty of Religious Worship.

LXXXVII. An Act to amend the Act for the better Care and Reformation of Youthful Offenders, and the Act to render Reformatory and Industrial Schools in *Scotland* more available for the Benefit of Vagrant Children.

LXXXVIII. An Act to facilitate the Erection of Dwelling Houses for the Working Classes in *Scotland*.

LXXXIX. An Act to amend the Provisions of the *Huddersfield* Burial Ground Act, 1852.

XC. An Act for the Payment of Costs in Proceedings instituted on behalf of the Crown in Matters relating to the Revenue, and for the Amendment of the Procedure and Practice in Crown Suits in the Court of Exchequer.

XCI. An Act to facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854.

XCII. An Act for appropriating the Corps of the Prebend or Portion of *Netherhall Ledbury* in the Diocese and County of *Hereford*, and for constituting the Living of *Ledbury* a Rectory with Cure of Souls, and for augmenting the Endowments thereof.

XCIII. An Act to amend certain Acts relating to the Court of Judicature of *Prince of Wales Island*, *Singapore*, and *Malacca*, and to the Supreme Courts of Judicature in *India*.

XCIV. An Act to impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom; to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits in lieu of Allowances and Drawbacks on such Spirits, Sugar, and Molasses respectively; and to amend the Laws relating to the Duties of Excise.

XCV. An Act to enable the Commissioners of Her Majesty's Works and Public Buildings to provide additional Offices for the Public Service in or near *Downing Street*, *Westminster*.

XCVI. An Act to consolidate certain Acts, and otherwise amend the Laws of the Customs, and an Act to regulate the Office of the Receipt of Her Majesty's Exchequer at *Westminster*.

XCVII. An Act for the Amendment and Consolidation of the Customs Tariff Acts.

XCVIII. An Act to continue certain Turnpike Acts in *Great Britain*.

XCIX. An Act to enable Her Majesty to carry into effect a Convention made between Her Majesty, His Majesty the Emperor of the *French*, and His Imperial Majesty the Sultan.

C. An Act to amend the Law concerning the Qualification of Officers of the Militia.

CI. An Act for the more effectual Execution of the Convention between Her Majesty and the *French* Government concerning the Fisheries in the Seas between the *British* Islands and *France*.

CII. An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

CIII. An Act to amend an Act of the last Session of Parliament relating to the Sale of Spirits by unlicensed Persons and illicit Distillation in *Ireland*; and also to repeal so much of an Act of the Third and Fourth Years of His late Majesty as requires Persons applying for Licences for the Sale of Beer, Cider, or Spirits by Retail in *Ireland* to enter into a Bond with Sureties.

CIV. An Act for the Regulation of *Chinese* Passenger Ships.

CV. An Act to amend the Lunatic Asylums Act, 1853, and the Acts passed in the Ninth and Seventeenth Years of Her Majesty, for the Regulation of the Care and Treatment of Lunatics.

CVI. An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

CVII. An Act to authorize the Commissioners of the Treasury to make Arrangements concerning a certain Loan advanced by way of Relief to the Island of *Tobago*.

CVIII. An Act to amend the Law for the Inspection of Coal Mines in *Great Britain*.

CIX. An Act to make further Provisions for the Repayment of Advances out of the Consolidated Fund for the Erection and Enlargement of Asylums for the Lunatic Poor in *Ireland*, and to amend the Laws with reference to the Repayments in case of Change of Districts, and the Appointment of Commissioners of General Control and Correspondence.

CX. An Act to authorize the application of certain Sums granted by Parliament for Drainage and other Works of public Utility in *Ireland* towards the Completion of certain Navigations undertaken in connection with Drainages, and to amend the Acts for promoting the Drainage of Lands and Improvements in connection therewith in *Ireland*.

CXI. An Act to amend the Law relating to Bills of Lading.

CXII. An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of *Ireland*.

CXIII. An Act to extend the Provisions of an Act of the Fourteenth and Fifteenth Years of Her present Majesty, for rebuilding the Bridge over the River *Ness* at *Inverness*.

CXIV. An Act for the Tranfer of Licences of Public Houses in *Ireland*.

CXV. An Act to continue and amend the Public Health Act (1854).

CXVI. An Act for the better Prevention of Diseases.

CXVII. An Act for transferring to One of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance.

CXVIII. An Act to repeal the Act of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty for further regulating the Sale of Beer and other Liquors on the Lord's Day, and to substitute other Provisions in lieu thereof.

CXIX. An Act to amend the Law relating to the Carriage of Passengers by Sea.

CXX. An Act for the better Local Management of the Metropolis.

CXXI. An Act to consolidate and Amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.

CXXII. An Act to amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood.

CXXIII. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

CXXIV. An Act to amend the Charitable Trusts Act, 1853.

CXXV. An Act to confirm Provisional Orders of the General Board of Health, applying the Public Health Act (1848) to the Districts of *Middlesbrough*, *Windhill*, *Christchurch*, *Keighley*, *Tunstall*, and *Toxteth Park*, and for Alteration of the Boundaries of the District of *Romford*.

CXXVI. An Act for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases.

CXXVII. An Act to make better Provision for the Union of contiguous Benefices, and to facilitate the building and endowing of new Churches in spiritually destitute Districts.

CXXVIII. An Act further to amend the Laws concerning the Burial of the Dead in *England*.

CXXIX. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-five, and to appropriate the Supplies granted in this Session of Parliament.

CXXX. An Act for raising the Sum of Seven Millions by Exchequer Bills and Exchequer Bonds, for the Service of the Year One thousand eight hundred and fifty-five.

CXXXI. An Act to render more secure the Conditions upon which Money is advanced out of the Parliamentary Grant for the Purposes of Education.

CXXXII. An Act for facilitating the Erection of Dwelling Houses for the Labouring Classes.

CXXXIII. An Act for limiting the Liability of Members of certain Joint-stock Companies.

CXXXIV. An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery, and to vest in the Lord Chancellor the Ground and Buildings of the said Court situate in *Southampton Buildings*, *Chancery Lane*, with Powers of leasing and Sale thereof.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act to Amend "The *Pudsey* Gas Act, 1845," and to enable the Company thereby incorporated to raise a further Sum of Money.

ii. An Act for incorporating the *Woolwich, Plumstead, and Charlton* Consumers Gas Company.

iii. An Act to enable the *Cambridge* University and Town Waterworks Company to raise further Money.

iv. An Act to enable the *Taunton* Gaslight and Coke Company to raise a further Sum of Money, and for other Purposes.

v. An Act for erecting and maintaining a Bridge over the River *Wye* at a Place called *Hoarwithy Ferry,* in the Parishes of *Hentland* and *King's Caple* in the County of *Hereford,* and for making convenient Approaches thereto.

vi. An Act to transfer to the Corporation of the Town of *Brighton* the Property, Powers, Privileges, and Liabilities of the *Brighton* Improvement Commissioners.

vii. An Act for granting further Powers to the *Folkestone* Waterworks Company.

viii. An Act for more effectually lighting with Gas the Town of *Stalybridge* and the Neighbourhood thereof in the Counties of *Chester* and *Lancaster* and in the West Riding of the County of *York.*

ix. An Act for supplying with Gas the Townships of *Osset-cum-Gawthorpe* in the Parish of *Dewsbury,* and *Horbury* in the Parish of *Wakefield,* all in the West Riding of the County of *York.*

x. An Act for enabling the *Monmouthshire* Railway and Canal Company to raise further Capital, and for other Purposes.

xi. An Act for constructing a Railway from *Bridport* to *Maiden Newton,* on the *Wilts, Somerset, and Weymouth* Railway, in the County of *Dorset.*

xii. An Act to consolidate and amend the Provisions of the Act relating to the *Ratcliff* Gaslight and Coke Company.

xiii. An Act to enable the *Leeds, Bradford, and Halifax Junction* Railway Company to raise additional Capital; and for other Purposes.

xiv. An Act for merging the *Sheffield* Gas Consumers Company in the *Sheffield* United Gaslight Company and for other Purposes.

xv. An Act to authorize the *Glossop* Gas Company to raise Money, and for other Purposes.

xvi. An Act to enable the *South-eastern* Railway Company to raise a further Sum of Money, and to create Preferential Stock, for the Purpose of paying off their Mortgage Debt.

xvii. An Act for making a Railway from the *Midland* Railway in the Parish of *Cam* in the County of *Gloucester* to the Town of *Dursley.*

xviii. An Act to enable the *Belfast and County Down* Railway Company to extend their Railway in the County of *Down.*

xix. An Act to grant further Powers to "The *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company."

xx. An Act to enable the *Heywood* Waterworks Company to extend their Undertaking, and to increase their Capital.

xxi. An Act for enabling the *Grand Junction* Waterworks Company to raise further Capital, and for other Purposes.

xxii. An Act to re-incorporate *Price's* Patent Candle Company, and to extend its Powers.

xxiii. An Act to enable "The *South Wales Mineral* Railway Company to grant a Lease of their Undertaking.

xxiv. An Act for enabling the *Southwark and Vauxhall* Water Company to raise additional Capital, and for other Purposes.

xxv. An Act to empower the *Vale of Neath* Railway Company to raise further Money for the Purposes of their Undertaking.

xxvi. An Act to incorporate the *Woolwich Equitable* Gas Company, and to enable them to raise further Money; and for other Purposes.

xxvii. An Act enable the *Torquay* Market Company to raise a further Sum of Money, to sell or lease their Undertaking, and for other Purposes.

xxviii. An Act to extend the *Great North of Scotland* Railway from *Huntly* to *Keith.*

xxix. An Act to enable the *Chesterfield* Waterworks and Gaslight Company to extend their Undertaking; and for other Purposes.

xxx. An Act for making a Railway from the Town of *Jedburgh* to the *Kelso* Branch of the *North British* Railway at or near the *Roxburgh* Station, and for other Purposes.

xxxi. An Act for constructing a Market House, Market Place, and other Buildings for public Accommodation at *Bangor* in the County of *Carnarvon,* and for the better Regulation and Maintenance of the Markets there, and for other Purposes.

xxxii. An Act for more effectually supplying with Gas the Parish of *Rotherham* and certain Places adjacent thereto in the West Riding of the County of *York.*

xxxiii. An Act for better enabling the Medical, Invalid, and General Life Assurance Society to sue and be sued, and for other Purposes with relation to the Society.

xxxiv. An Act to enable the Company of Proprietors of the *Birmingham* Waterworks to construct new Waterworks; and for other Purposes.

xxxv. An Act for extending the Powers of the *Plymouth and Stonehouse* Gaslight and Coke Company; and for other Purposes.

xxxvi. An Act for paving, draining, cleansing, lighting, and otherwise improving the District of *Saint Mark, Surbiton,* in the Parish of *Kingston-upon-Thames* in the County of *Surrey;* and for other Purposes.

xxxvii. An Act to incorporate the *Stourbridge* Gas Company, and to enable them to light with Gas the Town of *Stourbridge* in *Worcestershire* and other Places.

xxxviii. An Act to enable the *East Indian* Railway Company to issue and register Shares and Securities in *India;* and for other Purposes in relation to such Company.

xxxix. An Act for authorizing the Sale of the *Uxbridge* Burgage Lands, and directing the Application of the Proceeds thereof, and for other Purposes.

xl. An Act to enable the *Madras* Railway Company to issue and register Shares and Securities in *India*, and for other Purposes in relation to such Company.

xli. An Act to enable the Corporation of *Newport* in *Monmouthshire* to purchase the Interest of the Freemen in *Newport Marshes*, and for other Purposes.

xlii. An Act to amend "The *Lancaster* Waterworks and Gas Act, 1852," and to raise an additional Sum of Money for the Purposes of the said Act; and for other Purposes.

xliii. An Act to amend the Provisions and extend the Limits of the Act relating to the *Over Darwen* Gaslight Company.

xliv. An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to make a new Street from *Manchester* across the River *Irwell* into *Salford;* and authorizing Arrangements with the Corporation of *Salford* in reference thereto; and for other Purposes.

xlv. An Act to extend the Limits of the Borough of *Kingston-upon-Thames*, and to provide for the better paving, lighting, draining, and otherwise improving the said Borough; and for other Purposes.

xlvi. An Act for extending the Powers of The *Plymouth Great Western* Dock Company, and for other Purposes.

xlvii. An Act authorize the Mayor, Aldermen, and Burgesses of the Borough of *Oldham* to construct additional Waterworks; and for other Purposes.

xlviii. An Act to confer further Powers on the *Birmingham* Gaslight and Coke Company.

xlix. An Act for repealing an Act called "The *Hartlepool* Gas and Waterworks Act, 1849," and granting other Powers in lieu thereof; and for enabling the *Hartlepool* Gas and Water Company to raise further Money, and for other Purposes; the Short Title of which is "The *Hartlepool* Gas and Waterworks Act, 1855."

l. An Act to consolidate and amend the Acts relating to the *Llynvi Valley* Railway Company; to enable them to construct a new Railway from *Llangonoyd* to *Bridgend*, and to extend their present Line from *Foce* Toll House to *Saint Bride's Minor*, to abandon Parts of their existing and authorized Lines, to dissolve the *Bridgend* Railway Company, and to abandon their Railway; and for other Purposes.

li. An Act for further and more effectually repairing and maintaining the Bridge over the River *Tweed* at or near the Town of *Kelso* in the County of *Roxburgh*.

lii. An Act to amend "The *St. George's* Harbour Act, 1853."

liii. An Act to enable the *Ulster* Railway Company to make a Railway from *Armagh* to *Monaghan*, and to enlarge their Station at *Belfast;* and for other Purposes.

liv. An Act for enabling the Mayor, Aldermen, and Burgesses of *Londonderry* to raise a further Sum of Money; and for other Purposes.

lv. An Act to incorporate "The *Kilmarnock* Gaslight Company," established to supply with Gas the Town of *Kilmarnock*, and the Parishes of *Kilmarnock* and *Riccarton*, and Places therein, all in the County of *Ayr*.

lvi. An Act for consolidating into One Act and amending the Provisions of the several Acts relating to the *Dundee and Perth and Aberdeen* Railway Junction Company; and for enabling the Company to raise Money for the Payment of Debts; and for other Purposes.

lvii. An Act for making a Railway from the Great *North of Scotland* Railway to *Turriff* in the County of *Aberdeen*.

lviii. An Act to authorize certain Arrangements with respect to the Capital of the *Swansea* Dock Company.

lix. An Act for extending the Time for the Completion of the *Cornwall* Railway and Works; and for making further Provisions as to the Share Capital of the *Cornwall* Railway Company; and for other Purposes.

lx. An Act to enable the *Swansea Vale* Railway Company to extend their Railway, and to maintain and work the same as a Passenger Railway, and for other Purposes connected therewith.

lxi. An Act to repeal the Act relating to the *Leominster and Ledbury* Turnpike Trust, and to make other Provisions in lieu thereof.

lxii. An Act to enable the *Salisbury and Yeovil* Railway Company to make a Deviation in the Line of their Railway; and for other Purposes.

lxiii. An Act to enlarge some of the Powers of the Acts relating to the *Bristol and Exeter* Railway Company; and to enable such Company to raise further Sums of Money, to acquire additional Lands, to lease the *Somerset Central* Railway, to hold additional Shares in the *Exeter and Crediton* Railway; and for other Purposes.

lxiv. An Act to incorporate the *Hyde* Gas Company, and to grant more effectual Powers for supplying with Gas the several Townships of *Hyde, Werneth, Bredbury, Romiley, Newton*, and *Godley* in the County of *Chester*.

lxv. An Act for making a Railway from and out of the *Great North of Scotland* Railway in the Parish of *Inverury* to the Town of *Old Meldrum*, all in the County of *Aberdeen;* and for other Purposes.

lxvi. An Act for amending the several Acts relating to the *Liverpool* Corporation Waterworks, and for authorizing Deviations and the Construction of Works; and for other Purposes.

lxvii. An Act for amending "The *Commercial Roads* Act, 1828," and "The *Commercial Roads* Continuation Act, 1849," and for other Purposes.

lxviii. An Act for repairing the Road from the Town of *Kingston-upon-Hull* to the Western Boundary of the Parish of *Hessle* in the East Riding of the County of *York*.

lxix. An Act for making a Railway from the *Oxford* Branch of the *Great Western* Railway to *Abingdon*.

lxx. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Ashton-under-Lyne* in the County of *Lancaster* to purchase and maintain Waterworks; and for other Purposes.

lxxi. An Act to repeal the Act relating to the *Nottingham and Loughborough* Turnpike Road, and to make other Provisions in lieu thereof.

lxxii. An Act for establishing and maintaining an efficient System of Police for the Royal Burgh of *Renfrew*, for improving the said Burgh, and for other Purposes in relation thereto.

lxxiii. An Act to enable the *Waterford and Limerick* Railway Company to raise further Money; and for other Purposes.

lxxiv. An Act for the Improvement of the Town of *Saint Helen's*, and for other Purposes.

lxxv. An Act to alter and extend the Line of the *Cromford and High Peak* Railway, and to amend and consolidate the Provisions of the Acts relating thereto.

lxxvi. An Act for making a Railway from the *Waterford and Limerick* Railway at *Killonan* to *Castleconnell*, to be called "The *Limerick and Castleconnell* Railway;" and for other Purposes.

lxxvii. An Act to extend the Limits of the *Newcastle-under-Lyme* Gaslight Company's Act for the Supply of Gas, and to authorize the raising of a further Sum of Money, and for other Purposes.

lxxviii. An Act to increase the borrowing Powers of the *Limerick and Foynes* Railway Company.

lxxix. An Act to consolidate and amend the Acts relating to the *Maryport and Carlisle* Railway; to authorize the Company to improve their existing Railway; to make new Branches, Stations, and other Additions to their Works; to raise further Monies; and for other Purposes.

lxxx. An Act for better lighting with Gas the Town and Borough of *Newport*, and the Neighbourhood thereof, in the County of *Monmouth*.

lxxxi. An Act for more effectually supplying with Gas the Town of *Weston-super-Mare* in the County of *Somerset*.

lxxxii. An Act to renew the Term and continue the Powers of an Act passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing the Road from* Alford *to* Boston, *and from thence to* Cowbridge *in the Township of* Frithville, *in the County of* Lincoln.

lxxxiii. An Act to repeal so much of the Act relating to the *Wigan* and *Preston* Roads as relates to the District of the said Roads North of *Yarrow*, and to make other Provisions in lieu thereof.

lxxxiv. An Act to alter and amend "The Lands Improvement Company's Act, 1853."

lxxxv. An Act to renew the Term and continue the Powers of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to continue the Term and alter and enlarge the Powers of an Act of the Fortieth Year of His late Majesty's Reign, for repairing the Road leading from the Turnpike Road in* Witney *to the Road on* Swerford Heath, *and the Road leading from the Road from* Woodstock *to* Birmingham *through* Charlbury *to the Road from* Chipping Norton *to* Burford, *all in the County of* Oxford.

lxxxvi. An Act for making a Railway from *Oswestry* in the County of *Salop* to *Welchpool* and *Newtown* in the County of *Montgomery*.

lxxxvii. An Act for repairing, widening, and maintaining several Roads in the Counties of *Dorset* and *Devon* leading to and from the Borough of *Lyme Regis*, and from the Turnpike Road on *Raymond's Hill* to the Turnpike Road at the *Three Ashes* in the Parish of *Crewkerne* in the County of *Somerset*.

lxxxviii. An Act for making a Railway from the Town of *Dundalk* in the County of *Louth* to the Town of *Black Rock* in the said County.

lxxxix. An Act for the better Supply of the City of *Gloucester* and the Neighbourhood thereof with Water; and for other Purposes.

xc. An Act for enabling the *London and Blackwall* Railway Company to widen certain Portions of their Railways, and for amending some of the Provisions of the Acts relating to such Railways.

xci. An Act for enabling the *Manchestsr, Sheffield, and Lincolnshire* Railway Company to make a Branch Railway to *Lincoln*, and for other Purposes.

xcii. An Act for continuing the Term of the *Nottingham and Newhaven* Turnpike Road and Districts Act, and for other Purposes.

xciii. An Act for extending the Powers of the *Warrington* Waterworks Company, and for other Purposes.

xciv. An Act to amend the *East Kent* Railway Act, 1853.

xcv. An Act to authorize the Company of Proprietors of the *Regent's* Canal to purchase the *Hertford Union* Canal; and for other Purposes.

xcvi. An Act to enable the *Caledonian* Railway Company to raise a further Sum of Money.

xcvii. An Act to consolidate and amend the Acts relating to the *Glasgow and South-western* Railway, and for other Purposes.

xcviii. An Act to consolidate and amend the Acts relating to the *South Wales* Railway Company, and to authorize the Construction of new Works, and Alterations of existing Works, and for other Purposes.

xcix. An Act to authorize Improvements in the Borough of *Newcastle-upon-Tyne*.

c. An Act for the Improvement of the Town of *Newton in Mackerfield* and Neighbourhood in the County of *Lancaster*.

ci. An Act to enable the *Cork and Youghal* Railway Company to make a Branch Railway to *Queenstown*, and to make certain Deviations in and an Extension of their Line; and for other Purposes.

cii. An Act to alter certain Portions of the *Metropolitan* Railway, and to amend the Provisions of the Act relating thereto.

ciii. An Act to amend and extend the Provisions of the Act relating to the *Gomersal* and *Dewsbury* Turnpike Roads, and to create a further Term therein; and for other Purposes.

civ. An Act to repeal certain Acts relating to the *Basingstoke, Stockbridge and Lobcomb Corner* Turnpike Roads, and to make other Provisions in lieu thereof.

cv. An Act to enable the *Dundalk and Enniskillen* Railway Company to construct Extension Railways; and for other Purposes.

cvi. An Act to repeal the Acts relating to the Road from *Lightpill* to *Birdlip*, and make other Provisions in lieu thereof.

cvii. An Act to repeal the Act relating to the *Peterborough and Wellingborough* Turnpike Road, and to make other Provisions in lieu thereof.

cviii. An Act to repeal the Act for making and maintaining a Turnpike Road from *Cainscross* through *Stroud* over *Rodborough* and *Minchinhampton* Commons to the Town of *Minchinhampton*, with some Branches therefrom, all in the County of *Gloucester*, and to make other Provisions in lieu thereof.

cix. An Act to repeal an Act for making and maintaining certain Roads from the Town of *Stroud* and several other Places therein mentioned, all in the County of *Gloucester*, and to make other Provisions in lieu thereof.

cx. An Act to enable the *Rhymney* Railway Company to extend their Railway to the *Taff Vale* Railway, to construct Branch Railways, and for other Purposes.

cxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the First District of the *Bridport* Turnpike Roads in the County of *Dorset*.

cxii. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Bridport* and *Broadwinsor* Turnpike Roads.

cxiii. An Act for incorporating the *Bombay, Baroda, and Central India* Railway Company; and for other Purposes connected therewith.

cxiv. An Act for extending the Time for the Purchase of Lands and for the Completion of a Railway from *Chichester* to *Bognor*.

cxv. An Act for incorporating the *Scinde* Railway Company, and for other Purposes connected therewith.

cxvi. An Act to enable the *North Yorkshire and Cleveland* Railway Company to make a Branch from their Railway to the *Middlesbrough and Guisbrough* Railway, and also a Branch to *Whorlton*, and other Works; and to alter and amend the Act relating to the said Company; and for other Purposes.

cxvii. An Act to change the name of "The *National* Loan Fund Life Assurance Society" to the name of "The *International* Life Assurance Society;" and to enable the said Society to sue and be sued in the Name of the Chairman or Secretary or any One Director of the said Society; and to give additional Powers to the said Society.

cxviii. An Act to authorise and empower the Magistrates and Council of the City of *Glasgow* to supply with Water the said City and Suburbs thereof, and Districts and Places adjacent; to purchase and acquire the *Glasgow* Waterworks, and the *Gorbals* Gravitation Waterworks; and to introduce an additional Supply of Water from *Loch Katrine;* and for other Purposes.

cxix. An Act for maintaining and improving the Harbour of *Ayr*, and for the better Regulation and Management thereof.

cxx. An Act for making a Railway through part of the *Aberdale Valley* in the County of *Glamorgan*, to join the *Vale of Neath* Railway.

cxxi. An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to make and maintain additional Canals and Works, and for other Purposes.

cxxii. An Act for making Railways from the *South Devon* Railway to *Exmouth*, and to the Basin of the *Exeter* Canal, to be called The *Exeter and Exmouth* Railway.

cxxiii. An Act to consolidate the Capital Stock of the *Electric Telegraph* Company and of the *International Telegraph* Company, and to grant further Powers to the *Electric Telegraph* Company.

cxxiv. An Act to enable the *Great Northern* Railway Company further to increase their Capital; and for other Purposes with relation to the same Company.

cxxv. An Act for incorporating the "*Colonial* Life Assurance Company;" for enabling the said Company to sue and to be sued, to take and hold Property; and for other Purposes relating to the said Company.

cxxvi. An Act for the Improvement, Maintenance, and Regulation of the Port of *Hartlepool*, for the Construction of a Harbour of Refuge there, and for other Purposes.

cxxvii. An Act for making a Railway from *Ladybank*, on the Line of the *Edinburgh, Perth, and Dundee* Railway, by *Auchtermuchty* and *Strathmiglo*, to *Milnathort* and *Kinross*.

cxxviii. An Act to authorise the *Sunderland* Dock Company to make further Works; and to amend and consolidate the Acts relating to the said Company; and for other Purposes.

cxxix. An Act for regulating the Share Capital of the *Manchester, Sheffield, and Lincolnshire* Railway Company, and for other Purposes.

cxxx. An Act to enable the *Stockport, Disley, and Whaley Bridge* Railway Company to construct a Junction Line to the *Cromford and High Peak* Railway, and for other Purposes.

cxxxi. An Act to enable the *Carmarthen and Cardigan* Railway Company to make a Deviation in their Line of Railway, and for other Purposes.

cxxxii. An Act for the Improvement of the Town of *Leek*, in the County of *Stafford*, for purchasing the Market Tolls, and for providing more commodious Markets and Cemeteries, and for better supplying the Inhabitants with Water; and for other Purposes.

cxxxiii. An Act to enable the *Weymouth* Waterworks Company to increase and extend their Supply of Water, and to construct new Works; and for other Purposes.

cxxxiv. An Act for changing the Corporate Name of the Company of Proprietors of the *Grand Surrey* Canal; for consolidating their Acts; for authorizing them to make a new Entrance from the *Thames*, additional Docks and other Works, and to raise further Moneys; and for other Purposes.

cxxxv. An Act for granting further Powers to the *Torquay, Tor, and St. Mary Church* Gas Company.

cxxxvi. An Act to repeal the Acts passed for repairing the Road from *Hedon* through *Preston* and *Bilton* to *Hull*, and other Roads in the County of *York*, and to make other Provisions in lieu thereof.

cxxxvii. An Act for incorporating the "Gaslight Company of *Sligo*," and for other Purposes.

cxxxviii. An Act to amend the Provisions of "The *West Bromwich* Improvement Act, 1854," with relation to the Prevention of *Smoke*.

cxxxix. An Act to vary the mode of carrying the *Staines, Wokingham, and Woking* Railway across certain Roads, and for other Purposes.

cxl. An Act for incorporating "The *Cape Town* Railway and Dock Company," and for other Purposes connected therewith.

cxli. An Act to Amalgamate the *Glasgow and Inchbelly Bridge* and *Possil and Balmore* Turnpike Road Trusts, and to make Branch Roads; and for other Purposes.

cxlii. An Act for making and maintaining a Turnpike Road from *Charlestown of Aboyne*, by *Ballater, Crathie,* and *Castletown of Braemar,* to *Cairnwell Hill,* with a Branch at *Crathie,* in the County of *Aberdeen;* and for other Purposes.

cxliii. An Act for constructing and maintaining a Quay and other Works in the Borough of *Gateshead* in the County of *Durham,* and for other Purposes.

cxliv. An Act to enable the *Halifax* Gaslight and Coke Company to transfer their Undertaking and Powers to the *Halifax* Local Board of Health; and for other Purposes.

cxlv. An Act to amend an Act of the First Year of the Reign of King *George* the Fourth, Chapter 100, to enable Her Majesty's Commissioners of Lieutenancy for the City of *London* to purchase certain Lands and Houses for building more convenient and requisite Head Quarters, Storehouses, and other proper Accommodation for the Royal *London* Militia, and to confer certain other Powers.

cxlvi. An Act for making a Railway from the *London and North-western* Railway at *Dunstable* in the County of *Bedford* to the *Great Northern* Railway at or near *Welwyn* in the County of *Hertford,* to be called the "*Luton, Dunstable, and Welwyn Junction* Railway;" and for other Purposes.

cxlvii. An Act to extend the Limits of the Borough of *Folkestone;* to enable the Corporation of the said Borough to construct a Market House; to make certain new Streets and other Improvements; and to pave, light, drain, and otherwise improve the said Borough; and for other Purposes.

cxlviii. An Act for insuring the due Proof of Gun Barrels in *England,* and for other Purposes.

cxlix. An Act for enabling the *Stockton and Darlington* Railway Company to make new Branches and other Works; to acquire additional Lands; and for other Purposes.

cl. An Act for authorizing the making and maintaining of the *West Somerset Mineral* Railway, and the improving and regulating of the Harbour of *Watchet* in the County of *Somerset;* and for other Purposes.

cli. An Act for better supplying with Water the Town and Parish of *Wolverhampton,* the Suburbs thereof, and the Parishes and Places adjacent thereto.

clii. An Act to amend "The *Bradford* Corporation Waterworks Act, 1854."

cliii. An Act for making a Railway from the *Port Carlisle* Railway in the Township of *Drumburgh* to or near to the *Coat* Lighthouse in *Silloth Bay* in the Parish of *Holme Cultram* in the County of *Cumberland,* and also a Dock and Jetty at *Silloth Bay;* and for making Arrangements with the *Port Carlisle* Dock and Railway Company; and for other Purposes.

cliv. An Act for maintaining the *Yorkshire* District of the Road from *Keighley* in the West Riding of the County of *York* to *Kirby-in-Kendal* in the County of *Westmoreland.*

clv. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to acquire Lands; and for other Purposes.

clvi. An Act to renew the Term and continue the Powers of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the more effectually repairing and improving the Road from* Wadhurst *to the Turnpike Road on* Lamberhurst Down, *both in the County of* Sussex, *and from the Turnpike Road on* Pullen's Hill *to* West Farleigh Street, *both in the County of* Kent.

clvii. An Act for extending the Times granted to purchase Lands for the Part of the *Waveney Valley* Railway between *Bungay* and *Beccles.*

clviii. An Act to enable the *Edinburgh and Glasgow* Railway Company to enlarge their Station at *Queen Street, Glasgow;* to raise additional Capital; and for other Purposes.

clix. An Act for making and maintaining the *Great Northern London* Cemetery, and for other Purposes.

clx. An Act for better enabling the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* to raise and secure Monies payable by them to the *Nene Valley* Drainage and Navigation Improvement Commissioners; and for other Purposes.

clxi. An Act to repeal the Act relating to the *Bolton and Nightingale's* Turnpike Road, and to make other Provisions in lieu thereof.

clxii. An Act to authorize the Construction of a Dock on the North Side of the River *Thames,* to be called "The *Dagenham (Thames)* Dock."

clxiii. An Act to amend "The *London* Necropolis and National Mausoleum Act, 1852," and for other Purposes.

clxiv. An Act to repeal an Act for making, widening, repairing, and maintaining certain Roads leading to and from the Town of *Honiton* in the County of *Devon;* and to make other Provisions in lieu thereof.

clxv. An Act for making a Railway from the *Leven* Railway at the Town of *Leven* to the Town of *Kilconquhar* in the County of *Fife,* to be called "The *East of Fife* Railway."

clxvi. An Act to incorporate the *Royal Medical Benevolent* College, and for other Purposes.

clxii. An Act to enable the *Londonderry and Coleraine* Railway Company to lease a Portion of their Undertaking; and for other Purposes.

clxviii. An Act for more effectually repairing the *Cavendish Bridge and Brassington* Road, and for making a Branch Line of Road in connexion with the same, all in the County of *Derby.*

clxix. An Act for making Railways from the *Farnborough* Extension of the *West London and Crystal Palace* Railway to the *North Kent* Line of the *South-eastern* Railway, and to the *London, Brighton, and South Coast* Railway, with Branches therefrom; and for other Purposes.

clxx. An Act for extending the Limits of the Harbour of *Barrow* in the County Palatine of *Lancaster;* and to enable the Commissioners of the said Harbour to raise a further Sum of Money; and for other Purposes.

clxxi. An Act for vesting the Undertakings of the *Birkenhead* Dock Company, and of the Trustees of the *Birkenhead* Docks in the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool,* and for other Purposes.

clxxii. An Act for improving the Postal and Passenger Communication between *England* and *Ireland,* and for authorizing Arrangements between certain Companies in *England* and *Ireland* in relation thereto; and for other Purposes.

clxxiii. An Act to repeal and consolidate the several Acts relating to the *Furness* Railway Company; to enable the said Company to raise a further Sum of Money; to give further Powers to the said Company; and for other Purposes.

clxxiv. An Act to authorize the Trustees of the *Liverpool* Docks to construct new Works, and to raise a further Sum of Money; and for other Purposes.

clxxv. An Act for enabling the *South Staffordshire* Railway Company to make certain Branch Railways; for the Purchase of additional Lands at *Wichnor* and *Dudley;* and for other Purposes.

clxxvi. An Act for maintaining and improving the Road from *Gateshead* in the County of *Durham* to the *Hexham* Turnpike Road near *Dilston Bar* in the County of *Northumberland,* and other Roads connected therewith.

clxxvii. An Act to enable the *Portsmouth* Railway Company to make an Alteration in the Line of their Railway; and for other Purposes.

clxxviii. An Act for the Improvement of the Borough of *Shrewsbury* in the County of *Salop.*

clxxix. An Act to correct an Oversight in "The *Hereford* Improvement Act, 1854."

clxxx. An Act to incorporate a Company for making a Railway from the *Bishop Auckland* Branch of the *North-eastern* Railway in the Township of *Elvet* to the Township of *Brandon* and *Byshottles,* all in the County of *Durham,* to be called "The *Dearness Valley* Railway;" and for other Purposes.

clxxxi. An Act to enable the *Oxford, Worcester, and Wolverhampton* Railway Company to alter and improve certain of their Works, and to construct additional Works; and to authorize Arrangements with respect to the *Stratford-upon-Avon* Canal; and for other Purposes.

clxxxii. An Act for enabling the *Somerset Central* Railway Company to construct Railways to *Wells* and to *Burnham,* and a Pier at *Burnham,* and to raise additional Capital; and for other Purposes.

clxxxiii. An Act for the making and maintaining of the *Severn Valley* Railway; and for other Purposes.

clxxxiv. An Act to facilitate the Erection of One or more Churches in the Parishes of *Tormoham* and *Saint Mary Church,* at or near the Town of *Torquay,* in the County of *Devon;* and for other Purposes.

clxxxv. An Act to repeal the Act of the Ninth *Victoria,* Chapter Thirty-two, to reconstitute and extend the Police District therein-mentioned under the Name of the *Airdrie* Rural Police District, and to erect and maintain a Hall, Court House, and Public Offices for the *Airdrie* District of *Lanarkshire.*

clxxxvi. An Act to authorize the Transfer of the Undertaking of the *Deptford* Gaslight and Coke Company to the *Surrey* Consumers Gas Company, and to wind up the Affairs of the first-named Company; and for other Purposes.

clxxxvii. An Act for enabling the *East Kent* Railway Company to extend their authorized Line of Railway by the Construction of a Railway from *Canterbury* to *Dover* with two Branches at *Dover;* to increase their Capital; and for other Purposes.

clxxxviii. An Act for amending the Acts relating to the *London and South-Western* Railway Company; for regulating their Capital and for other Purposes.

clxxxix. An Act for the Conservancy and Improvement of *Dundalk* Harbour and Port, and for other Purposes.

cxc. An Act for making certain Railways to connect *Glasgow, Dumbarton,* and *Helensburgh,* in the Counties of *Lanark* and *Dumbarton;* and for making Provision for the Use and working of the said Railways.

cxci. An Act for making a Railway from the *Great-Western* Railway at *Southall* in the County of *Middlesex* to *Brentford* in the same County, with Docks at the last-mentioned Place; and for other Purposes.

cxcii. An Act for making a Railway and Pier to and at *Stokes Bay* in the County of *Hants.*

cxciii. An Act for extending the Times granted to the *Westminster* Improvement Commissioners by "The *Westminster* Improvement Act, 1845" "The *Westminster* Improvement Act, 1847," "The *Westminster* Improvement Act, 1850," and "The *Westminster* Improvement Act, 1853," for the compulsory Purchase of Lands and the Completion of Works; and for altering the Corporate Name of "The *Westminster* Association for improving the Dwellings of the Working Classes," to "The *London* and *Westminster* Association for improving the Dwellings of the Working Classes;" and for other Purposes.

cxciv. An Act to change the corporate Name of the *Derbyshire, Staffordshire, and Worcestershire Junction* Railway Company, to repeal their Act and consolidate their Powers, to alter and define their Undertaking, to reduce their Capital; and for other Purposes.

cxcv. An Act for facilitating the Completion of the *Westminster* Improvements, and for the Incorporation of the *Westminster* Land Company for a limited Period for that Purpose.

cxcvi. An Act for transferring Part of the Property and Powers of the Trustees of the River *Lee;* and for the Amendment of the Acts of the *New River* Company, the *East London* Waterworks Company, and the said Trustees; and for other Purposes.

cxcvii. An Act to repeal, alter, and amend some of the Provisions of "The *Royal Conical* Flour Mill Company's Act, 1854;" to enable the Company to raise a further Sum of Money; and for other Purposes.

cxcviii. An Act for making a Railway from the *Manor Street* Terminus of the authorized *Westminster Terminus* Railway in the Parish of *Clapham* in the County of *Surrey* to *Norwood* in the Parish of *St. Mary Lambeth* in the same County, connecting the *Westminster Terminus* Railway with the *West End of London and Crystal Palace* Railway.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER, AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for enabling Leases to be made of the Freehold Estates of the late *Matthew Hill* Esquire, and for other Purposes.

2. An Act to enable the Trustees under the Settlement executed on the Marriage of *Philip Rideout Hoffe* to effect a Sale to Sir *Richard Plumptre Glyn* Baronet, of certain Hereditaments situate at *Twyford* in the Parish of *Compton Abbas* and County of *Dorset*, and for other Purposes; and of which the Short Title is "*Hoffe*'s Estate Act, 1855."

3. An Act for authorizing the granting of Mining Leases of Estates subject to the Uses of the Will of *Robert Bell Livesey* Esquire, deceased, and for other Purposes.

4. An Act for enabling Leases, Sales, Repairs, and Improvements to be made of the Estates of *James Walthall Hammond* Esquire, deceased, and for other Purposes, the Short Title of which is "*Hammond*'s Estate Act, 1855."

5. An Act to authorize Conveyances in Fee or Demises for long Terms of Years, under reserved Rents, of certain Parts of Estates, settled by the Will of the late *Joseph Livesey* Esquire, deceased.

6. An Act to enable *George William Holmes Ross*, of *Cromarty*, Esquire, to relieve the Estate of *Cromarty* from Burdens affecting the same, to charge the said Estate with certain Family Provisions and with certain Sums of Money expended in Improvements thereon.

7. An Act for authorizing Mining and other Leases and Sales and Exchanges to be made of the Lands devised by the Will of *George Bray* deceased; and for other Purposes.

8. An Act for authorizing the granting of Building Leases of certain Parts of the Estates subject to the Residuary Devise in the Will of *John Jenkins*, late of *Saltley Hall* in the County of *Warwick*, Esquire, and for appointing new Trustees of the said Will; and for other Purposes.

9. An Act for enabling the Right Honourable *William Nevill* Earl of *Abergavenny* to grant Leases of entailed Mines, Minerals, Lands, and Hereditaments in the County of *Monmouth*.

10. An Act to enable the President and Scholars of *Saint John Baptist* College in the University of *Oxford* to grant Building Leases of their Lands in the Parishes of *Saint Giles*, *Saint Thomas*, and *Woolvercot*, *Oxford*; and for other Purposes.

11. An Act for vesting in the Commissioners of the Metropolis Turnpike Roads North of the *Thames* the Lands in *Islington* devised by the Will of *Edward Harvist* to the Brewers Company, upon trust for the Repair of the Highway from *Tyburn* to *Edgeworth*; and for discharging the Company from the Trusts of that Will; and for enabling the Commissioners to grant Building Leases of those Lands; and for other Purposes.

12. An Act to empower the Warden and Scholars of the House or College of Scholars of *Merton* in the University of *Oxford* to sell certain Lands situate in the Parish of *Holywell* otherwise *Saint Cross* in the City of *Oxford*, and to lay out the Monies to arise from such Sale in the Purchase of other Hereditaments.

13. An Act for giving Effect to a Compromise of certain Suits and Claims affecting the Estates of *Josephine Catherine Handcock*, *Anne Mary Handcock*, and *Honoria Handcock*, Spinsters, deceased, and for vesting the said Estates in *John Stratford Handcock* Esquire, subject to certain Charges; and for other Purposes.

14. An Act to authorize the granting of Building and other Leases of Estates in the Counties of *Louth* and *Armagh*, devised by the Will of the Right Honourable *William Charles* Viscount *Clermont* deceased, and the Sale and Exchange of certain Portions of the Estate so devised; and for other Purposes.

15. An Act for the future Government, Management, and Regulation of the Charity of *John Marshall*, late of *Southwark* in the County of *Surrey*, Gentleman, deceased; and for other Purposes.

16. An Act for vesting the Freehold and Leasehold Estates comprised in the residuary Gifts in the Will of *Joseph Halford* Esquire, deceased, in Trustees, with Powers to sell, exchange, and lease the same, and to purchase other Lands, to be resettled conformably to such residuary Gifts.

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17. An Act to relieve Sir *James Carnegie* of *Southesk*, *Kinnaird*, and *Pittarrow*, Baronet, from the Effect of the Attainder of *James* Fifth Earl of *Southesk* and Baron *Carnegie* of *Kinnaird* and *Leuchars* in *Scotland*.

18. An Act to dissolve the Marriage of *Henry Newsham Pedder* with *Emma Pedder* his now Wife, and to enable him to marry again; and for other Purposes.

19. An Act to dissolve the Marriage of *William Ewing* the younger with *Helen Mary Ewing* his now Wife, and to enable him to marry again; and for other Purposes.

20. An Act to dissolve the Marriage of *Arthur Wyndham* Esquire with *Ann Magdalene Louisa Wyndham* his now Wife, and to enable him to marry again; and for other Purposes.

21. An Act to dissolve the Marriage of *James Remington Hadow* Merchant with *Jane Menzies* his now Wife, and to enable him to marry again; and for other Purposes.

22. An Act to dissolve the Marriage of *Edward Jones* with *Elizabeth Jones* his now Wife, and to enable him to marry again; and for other Purposes.

23. An Act to dissolve the Marriage of *Morton Cornish Sumner* Esquire with *Penelope Rubina Maria* his now Wife, and to enable the said *Morton Cornish Sumner* to marry again; and for other Purposes therein mentioned.

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IN THE THIRD SESSION OF

THE SIXTEENTH PARLIAMENT OF THE UNITED KINGDOM,

18° & 19° VICTORIA,

1855.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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